THE MUNICIPAL CODE

OF

THE CITY OF LATHROP

THE GENERAL ORDINANCES

PUBLISHED BY ORDER OF THE BOARD OF ALDERMEN

Mayor

Gene Schoonover

Board of Aldermen

Leonard Eads
Gerald Meppelink, Jr.
Gerald Snodgrass
Cindy Weers

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Susie Freece

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City Administrator

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GENERAL CODE
SULLIVAN PUBLICATIONS DIVISION
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Supp. #27, 10/14

ADOPTING ORDINANCE

BILL NO. 906 **ORDINANCE NO. 906**

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF LATHROP; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE OF ORDINANCES; PROVIDING PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF LATHROP AS FOLLOWS:

Section 1. That the code of ordinances, consisting of Titles I through VII, each inclusive, is hereby adopted and enacted as the "Code of Ordinances of the City of Lathrop"; which shall supersede all other general and permanent ordinances of the City passed on or before April 9, 1996, to the extent provided in Section 3 hereof.

Section 2. That all provisions of such code shall be in full force and effect from and after the effective date of this ordinance as set forth herein.

Section 3. That all ordinances of a general and permanent nature of the City adopted on final passage on or before April 9, 1996, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of this ordinance, except those which may be specifically excepted by separate ordinance, and except the following which are hereby continued in full force and effect, unless specifically repealed by separate ordinance:

a. Ordinances promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds or notes of the City or any other evidence of the City's indebtedness, or authorizing any contract or obligation assumed by the City;

b. Ordinances levying taxes or making special assessments;

c. Ordinances appropriating funds or establishing salaries and compensation, and providing for expenses;

d. Ordinances granting franchises or rights to any person, firm or corporation;

e. Ordinances relating to the dedication, opening, closing, naming, establishment of grades, improvement, altering, paving, widening or vacating of streets, alleys, sidewalks or public places;

f. Ordinances authorizing or relating to particular public improvements;

g. Ordinances respecting the conveyances or acceptance of real property or easements in real property;

h. Ordinances dedicating, accepting, or vacating any plat or subdivision in the City or any part thereof, or providing regulations for the same;

i. Ordinances annexing property to the City;

j. Zoning ordinances not previously repealed and not contained in this code.

k. Ordinances establishing TIF districts or redevelopment districts.

That the repeal provided for in this Section shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.

That the repeal provided for in this Section shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance, nor shall it affect any prosecution, suit or proceeding pending or any judgement rendered prior to such date.

Section 4. That any and all additions and amendments to such Code when passed in such form as to indicate the intention of the Board of Aldermen to make the same a part thereof shall be deemed to be incorporated in such Code so that reference to the "Code of Ordinances of the City of Lathrop", shall be understood and intended to include such additions and amendments.

Section 5.

a. Whenever in this Code or any other ordinance of the City, or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority duly vested in him or it, any act is prohibited or is declared to be unlawful or an offense or misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment in the City or County jail not exceeding ninety (90) 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 imprisonments may be in the City prison or workhouse instead of the County jail.

b. Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.

c. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding, or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

Section 6. That in case of the amendment by the Board of Aldermen of any Section of such Code for which a penalty is not provided, the general penalty as provided in Section 5 of this ordinance shall apply to the Section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty, is provided in another Section in the same Chapter, the penalty so provided in such other Section shall be held to relate to the Section so amended, unless such penalty is specifically repealed therein.

Section 7. That a copy of such Code shall be kept on file in the office of the City Clerk, preserved in looseleaf form or in such other form as the City Clerk may consider most expedient. It shall be the express duty of the City Clerk, or someone authorized by said officer, to insert in their designated places all amendments and all ordinances or resolutions which indicate the intention of the Board of Aldermen to make the same part of such Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which from time to time may be repealed by the Board of Aldermen. This copy of such Code shall be available for all persons desiring to examine the same.

Section 8. That it shall be unlawful for any person to change or alter by additions or deletions, any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Lathrop to be misrepresented thereby. Any person violating this Section shall be punished as provided in Section 5 of this ordinance.

Section 9. It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance or the Code hereby adopted.

Section 10. This ordinance and the Code adopted hereby, shall become effective June 11, 1996.

PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF LATHROP, THIS 11TH DAY OF JUNE, 1996.

APPROVED BY THE MAYOR OF THE CITY OF LATHROP THIS 11TH DAY OF JUNE,1996.

Thomas Williams
Mayor of the City of Lathrop

ATTEST:

Susie Freece
City Clerk

ELEMENTARY STATEMENT

This edition of the Municipal Code of the City of Lathrop is the first codification of the ordinances passed since the incorporation of Lathrop. We have included all ordinances passed subsequent to that date which are of a general and permanent nature and modifications agreed upon during the editorial conferences which are incorporated herein by the adopting ordinance. In order to trace the evolution of each Section, the reader's attention is directed to the history note appearing in parentheses at the end of that Section. The absence of such a note indicates that the section is new and was agreed upon at the editorial conference and adopted for the first time with the adoption of the Code. Two further sources of reference are to be found at the end of this Code. The first is a cross reference of the ordinances of a general and permanent nature that have been retained in this volume. The second is a cross reference of the State Statutes that are of a similar nature or enable the corresponding Section of this Code.

Format

The Code is divided into seven Titles with Chapters of a like nature grouped therein. Each Chapter is given a three digit location number corresponding to the Title in which it resides. Each Section is given a six digit number corresponding to the Chapter in which it resides. This six digit number is separated by a decimal point. The digits ahead of the decimal point represent the Chapter location and the digits behind the decimal point represent the Section within that Chapter. By allowing intervals between Chapter and Section designations, future additions to the Code have been facilitated. In operating under this format, the City maintains great flexibility in the placement of new material.

Table of Contents and Alphabetical Index

For those frequent users who become very familiar with the Code, the editors have placed a Table of Contents in the front of the text. Those less familiar with the Code and infrequent users will find an alphabetical index at the end of the Code. Much care is taken to ensure ease of access with this index while maintaining a reasonable size.

Update Service

As those who use this book are well aware, there is a need for constant revision. The use of a looseleaf binder is meant to facilitate this need. As new ordinances affecting this Code are passed, they should be forwarded to the publisher from time to time for adaptation to the Code. Update pages can then be forwarded to the City for insertion in the Code. It is the ultimate responsibility of the holder of the volume to make sure that his or her book is brought up to date in this manner.

In Appreciation

The publishers would like to thank the following people for their time and effort during this recodification: Mayor, Tom Williams; City Clerk, Susie Freece; City Attorney, Michael Gunn; Chief of Police, Porter Hensen. This combined effort cannot help but end in a Code that the City can be proud of and which will be a useful tool for the entire community for years to come.

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ARTICLE I
Adoption of Code

Section 100.010. Contents of Code.

A. This Code contains all ordinances of a general and permanent nature of the City of Lathrop, Missouri, and includes ordinances dealing with municipal elections, building and property regulation, business and occupations, health and sanitation, public order, and similar subjects.

1. Ordinances hereafter adopted shall be numbered, authenticated, published and recorded in the Book of Ordinances.

2. Ordinances which are of a general or permanent nature shall be prepared for insertion in this Code and be deemed a part hereof.

Section 100.020. Citation of Code.

This Code may be known and cited as the Lathrop, Missouri, City Code.

Section 100.030. Official Copy.

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

Section 100.040. 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, firm or corporation violating this Section shall be punished as provided in Section 100.210 of this Code.

Section 100.050. Numbering.

Each Section number of this Code shall consist of two (2) 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.

ARTICLE II
General Code Provisions

Section 100.060. 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 their technical import.

Section 100.070. 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.

Section 100.080. Continuation of Prior Ordinances.

The provisions appearing in this Code, so far as they are in substance the same as those of ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.

Section 100.090. Effect of Repeal of Ordinance.

A. No offense committed and no fine, penalty or forfeiture incurred, or prosecution commenced or pending previous to or at the time when any statutory provision is repealed or amended, shall be affected by the repeal or amendment, but the trial and

punishment of all such offenses, and the recovery of the fines, penalties or forfeitures shall be had, in all respects, as if the provision had not been repealed or amended, except:

1. All such proceedings shall be conducted according to existing procedural laws; and

2. If the penalty or punishment for any offense is reduced or lessened by any alteration of the law creating the offense prior to original sentencing, the penalty or punishment shall be assessed according to the amendatory law.

Section 100.100. Repealing Ordinance Repealed, Former Ordinance Not Revived — When.

When an ordinance repealing a former ordinance, clause or provision is itself repealed, it does not revive the former ordinance, clause or provision, unless it is otherwise expressly provided; nor shall any ordinance repealing any former ordinance, clause or provision abate, annul or in any wise affect any proceedings had or commenced under or by virtue of the ordinance so repealed, but the same is as effectual and shall be proceeded on to final judgment and termination as if the repealing ordinance had not passed, unless it is otherwise expressly provided.

Section 100.110. Severability.

It is hereby declared to be the intention of the Board of Aldermen that 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 the valid 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 incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or Section.

Section 100.120. Tense.

Except as otherwise specifically provided or indicated by the context, all words used in this Code indicating the present tense shall not be limited to the time of adoption of this Code but shall extend to and include the time of the happening of any act, event, or requirement for which provision is made herein, either as a power, immunity, requirement, or prohibition.

Section 100.130. Notice.

A. Whenever notice may be required under the provisions of this Code or other City ordinance, the same shall be served in the following manner:

1. By delivering the notice to the person to be served personally or by leaving the same at his/her residence, office or place of business with some person of his/her family over the age of fifteen (15) years; or

2. By mailing said notice by certified or registered mail to such person to be served at his/her last known address; or

3. If the person to be served is unknown, or may not be notified under the requirements of this Section, then by posting said notice in some conspicuous place on the premises at least five (5) days before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by any City Officer, unless permission is given by said Officer.

Section 100.140. Notice — Exceptions.

The provisions of the preceding Section shall not apply to those Chapters of this Code wherein there is a separate definition of notice.

Section 100.150. Computation of Time.

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

Section 100.160. Gender.

When any subject matter, party or person is described or referred to by words importing the masculine, females as well as males, and associations and bodies corporate as well as individuals, shall be deemed to be included.

Section 100.170. Joint Authority.

Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of such persons unless otherwise declared in the law giving authority.

Section 100.180. 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 included.

Section 100.190. Definitions.

In the construction of this Code and of all other ordinances of the City, the following definitions shall be observed, unless it shall be otherwise expressly provided in any Section or ordinance, or unless inconsistent with the manifest intent of the Board of Aldermen, or unless the context clearly requires otherwise:

BOARD OF ALDERMAN — The Board of Aldermen of Lathrop, Missouri.

CITY — The words *"the City"* or *"this City"* or *"City"* shall mean the City of Lathrop, Missouri.

COUNTY — The words *"the County"* or "this *County"* or *"County"* shall mean the County of Clinton, Missouri.

DAY — A day of twenty-four (24) hours, beginning at 12:00 Midnight.

MAY — Is permissive.

MAYOR — The Mayor of Lathrop, Missouri.

MONTH — A calendar month.

OATH — Shall be construed to include an affirmation in all cases in which an affirmation may be substituted for an oath, and in such cases the words "*swear"* and *"sworn"* shall be equivalent to the words *"affirm"* and *"affirmed"*.

OWNER — The word *"owner"*, applied to a building or land, shall include any part-owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

PERSON — Shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the word *"person"* is used in any Section of this Code prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such Section.

PERSONAL PROPERTY — Shall include money, goods, chattels, things in action and evidences of debt.

PRECEDING, FOLLOWING — When used by way of reference to any Section of this Code, mean the Section next preceding or next following that in which the reference is made, unless some other Section is expressly designated in the reference.

PROPERTY — Includes real and personal property;

PUBLIC WAY — Shall include any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

REAL PROPERTY — The terms *"real property"*, *"premises"*, *"real estate"* or *"lands"* shall be deemed to be co-extensive with lands, tenements and hereditaments.

SHALL — Is mandatory.

SIDEWALK — That portion of the street between the curb line and the adjacent property line which is intended for the use of pedestrians.

SIGNATURE — Where the written signature of any person is required, the proper handwriting of such person or his/her mark shall be intended.

STATE — The words *"the State"* or *"this State"* or *"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, and each of such words shall include all of them.

TENANT, OCCUPANT — The words *"tenant"* or *"occupant"*, applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

"WRITTEN", "IN WRITING" AND "WRITING WORD FOR WORD" — Shall include printing, lithographing, or other mode of representing words and letters, but in all cases where the signature of any person is required, the proper handwriting of the person, or his/her mark, is intended.

YEAR — A calendar year, unless otherwise expressed, and the word *"year"* shall be equivalent to the words *"year of our Lord"*.

Section 100.200. Notice to Be Published.

Whenever in this Code or other ordinance of the City it is required that notice be published in the *"official newspaper"* or a *"newspaper of general circulation published in the City"*, and if there is no such newspaper published within the City, the said notice shall be published in a newspaper of general circulation within the City, regardless of its place of publication.

ARTICLE III
Penalties

Section 100.210. General Penalty.

A. Whenever in this Code or any other ordinance of the City, or in any rule, regulation, notice or order promulgated by any Officer or agency of the City under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense or misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment; provided, that where the City and the State have a penalty for the same offense, the statutory penalty and no other shall be imposed for such offense, except that imprisonments may be in the City Prison or workhouse instead of the County Jail.

B. *Every Day A Violation*. Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.

C. *Responsibility*. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding, or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

Chapter 105

ELECTIONS

Section 105.010. Conformance of City Elections With State Law.

Section 105.020. Boundaries of Wards.

Section 105.010. Conformance of City Elections With State Law.

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

Section 105.020. Boundaries of Wards.

[Ord. No. 669 §§1 — 3, 11-7-1973]

A. The City of Lathrop is hereby divided into two (2) Wards:

1. All the territory included in that portion of the City south of Oak Street shall be and is hereby declared to be the First Ward.

2. All the territory included in that portion of the City north of Oak Street shall be and is hereby declared to be the Second Ward.

Chapter 110

MAYOR AND BOARD OF ALDERMEN

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ARTICLE I
Mayor

Section 110.010. Duties.

[Ord. No. 445 §1, 3-24-1959]

It shall be the duty of the Mayor of said City, in addition to all duties imposed by the 1949, Revised Statutes of Missouri, governing Cities of the Fourth Class, to see that all officers of said City properly and faithfully discharge their duties, and demean themselves in office, and upon their failure to do so, to proceed in accordance with Section 79.240, RSMo., for their removal.

Section 110.020. Compensation.

[Ord. No. 445 §2, 3-24-1959]

The Mayor shall receive as salary a sum as provided by ordinance from time to time.

Section 110.030. Appointments — Power of the Board.

[Ord. No. 445 §2, 3-24-1959]

If at any time the Mayor shall, for any cause, fail or refuse to make the usual or necessary appointments for City Officers, it shall then be in the power of the Board of Aldermen of said City, by action of any three (3) or more of its members, to make a written recommendation, signed by them in their official capacity, to the Mayor, asking that such appointments for such offices be made, when it shall be the duty of the Mayor at the ensuing regular meeting of the Board of Aldermen of said City, after such recommendation may be mentioned, to make such appointments for such offices not theretofore made by the Mayor.

ARTICLE II
Board of Aldermen

Section 110.040. Regular Meetings.

[Ord. No. 751 §1, 12-6-1980; Ord. No. 852 §1, 5-15-1991; Ord. No. 917 §1, 12-10-1996; Ord. No. 975 §1, 9-14-1999; Ord. No. 1038 §1, 1-15-2002; Ord. No. 1180 §1, 2-24-2009]

A. The Board of Aldermen shall hold regular meetings on the third (3rd) Tuesday of each month at 7:00 P.M.; provided however, that when the day fixed for the regular meeting of the Board of Aldermen falls upon a day designated by law as a legal or national holiday, such meeting shall be held at such time so designated by the Board.

B. *Place.* All regular meetings of the Board of Aldermen shall be held in the Brazelton Community Room adjacent to City Hall of the City.

Section 110.050. Special Meetings.

[Ord. No. 751 §2, 12-6-1980]

The Mayor shall call special meetings of the Board of Aldermen whenever in his/her opinion the public business may require it, or at the express written request of any two (2) members of the Board. Whenever a special meeting shall be called, notice to the public shall be given as required by State law and served upon each member of the Board either in person or by notice left at his/her place of residence, stating the date and hour of the meeting and the purpose of which such meeting is called, and no business shall be transacted thereat, except such as is stated in the notice.

Section 110.060. Agenda.

[Ord. No. 751 §3, 12-6-1980; Ord. No. 1180 §1, 2-24-2009]

All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to and discussed by the Board of Aldermen shall be delivered to the City Administrator by 10:00 AM on the Friday before the Board of Aldermen meeting on the following Tuesday evening in order for the City Administrator to prepare the agenda. The City Administrator shall prepare information to be contained in the proposed agenda and assure delivery to the Mayor and each Alderman at least forty-eight (48) hours before the scheduled time of the regular Board meeting. The tentative agenda shall be posted in City Hall in a timely manner to assure availability to the general public a minimum of twenty-four (24) hours prior to the Board meeting.

Section 110.070. Presiding Officer — Election and Duties.

[Ord. No. 751 §4, 12-6-1980]

The Presiding Officer of the Board shall be the Mayor. The Presiding Officer shall preserve strict order and decorum at all regular and special meetings of the Board. He/she shall state every question coming before the Board, announce the decision of the Board on all subjects and decide all questions of order, subject, however, to an appeal to the Board, in which event a majority vote of the Board shall govern and conclusively determine such question of order. He/she shall sign all ordinances and resolutions adopted by the Board during his/her presence.

Section 110.080. Call to Order — Presiding Officer.

[Ord. No. 751 §5, 12-6-1980]

The Mayor, or in his/her absence, the Mayor Pro Tem, shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Board to order. In the absence of the Mayor or Mayor Pro Tem, the City Clerk, or his/her assistant, shall call the Board to order, whereupon a temporary Chairman will be elected by the members of the Board present. Upon the arrival of the Mayor or Mayor Pro Tem, the temporary Chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the Board.

Section 110.090. City Officers — Meeting Attendance.

[Ord. No. 444 §7, 3-24-1959]

It shall be the duty of all City Officers to be present at regular meetings of the Board of Aldermen of said City, and also at special meetings thereof when notified by the Mayor or any two (2) Aldermen so to be, unless necessarily engaged elsewhere or unless excused from such appearance by the Mayor or the Board of Aldermen of said City.

Section 110.100. Quorum.

[Ord. No. 751 §6, 12-6-1980]

A majority of all the members elected to the Board shall constitute a quorum at any regular or special meeting of the Board of Aldermen.

Section 110.110. Ordinances — Procedure to Enact.

The style of the ordinances of the City shall be: "Be it ordained by the Board of Aldermen of the City of Lathrop, as follows:" No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Board of Aldermen shall vote for it, and the "ayes and nays" be entered on the journal. Every proposed ordinance shall be introduced to the Board of Aldermen in writing and shall be read by title or in full two (2) times prior to passage, both readings may occur at a single meeting of the Board of Aldermen. If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the Board of Aldermen. No bill shall become an ordinance until it shall have been signed by the Mayor or person exercising the duties of the Mayor's office, or shall have been passed over the Mayor's veto, as herein provided.

Section 110.120. Reading of Minutes.

[Ord. No. 751 §8, 12-6-1980; Ord. No. 1180 §1, 2-24-2009]

Unless a reading of the minutes of a Board meeting is requested by a majority of the members of the Board, such minutes may be approved without a reading if a copy has previously been furnished to each member of the Board.

Section 110.130. Rules, Order and Debate.

[Ord. No. 751 §9, 12-6-1980]

A. All matters to be discussed by the Board of Aldermen at a regular meeting shall be made a part of the agenda as provided in Section 110.060 of this Chapter and no matter shall be introduced for discussion unless such matter is so listed on the agenda; provided however, that such matters may be introduced for discussion upon the consent of a majority of the Board.

B. Every member desiring to speak shall address the chair, and, upon recognition by the Presiding Officer, shall confine himself/herself to the question under debate, avoiding all personalties and indecorous language. In the event two (2) or more members request recognition at the same time, the Presiding Officer shall have the prerogative of recognizing one (1) of such members.

C. A member, once recognized, shall not be interrupted when speaking unless it be to call him/her to order, or as herein otherwise provided. If a member, while speaking, be called to order, he/she shall cease speaking until the question of order be determined and, if in order, he/she shall be permitted to proceed.

D. The Aldermen moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

E. When a matter is under debate or discussion, each member shall be given the opportunity by the chair to state his/her views and position of the matter under debate or discussion.

F. All debate and discussion shall be limited to the matter under consideration. When the debate or discussion has closed and a motion be pending the questions shall be voted upon. Upon the commencement of the roll call for such vote, no further debate or statements of position on the questions shall be permitted.

G. *Remarks Of Aldermen — When Entered In Minutes.* An Alderman may request, through the Presiding Officer, the privilege of having an abstract or copy of his/her statement on any subject under consideration by the Board entered in the minutes. If the Board consents thereto, such statement shall be entered in the minutes.

H. *Synopsis Of Debate — When Entered In Minutes.* The Clerk may be directed by the Presiding Officer, with consent of the Board to enter in the minutes a synopsis of the discussion on any question coming regularly before the Board.

Section 110.140. Addressing the Board.

[Ord. No. 751 §10, 12-6-1980]

A. Any person desiring to address the Board shall first secure the permission of the Presiding Officer to do so; provided however, that under the following headings of business, unless the Presiding Officer rules otherwise, any qualified person may address the Board without securing such prior permission:

1. *Written communication.* Interested parties or their authorized representatives may address the Board by written communications in regard to matters then under discussion.

2. *Oral communications.* Taxpayers or residents of the City, or their authorized legal representatives, may address the Board by oral communications on any matter over which the Board has control provided, however, that preference shall be given to those persons who may have notified the City Clerk in advance of their desire to speak in order that the same may appear on the agenda of the Board.

3. *Reading of protests, etc.* Interested persons or their authorized representatives may address the Board by reading of protests, petitions, or communications relating to zoning, sewer and street proceedings, hearings on protests, appeals and petitions, or similar matters in regard to matters then under consideration.

Section 110.150. Addressing the Board After Motion Made.

[Ord. No. 751 §11, 12-6-1980]

After a motion is made by the Board, no person shall address the Board without first securing the permission of the Board to do so.

Section 110.160. Voting the Adoption of Ordinances.

[Ord. No. 444 §10, 3-24-1959]

In voting upon the adoption of any ordinance, or the passage of any resolution, the members of the Board of Aldermen of said City shall vote by "yea" and "nay"; the Clerk shall call the roll and each member of the Board of Aldermen of said City shall answer to his/her name, and his/her answer shall be entered by the Clerk upon the journal; and the result of any such vote shall be given to the Mayor by the Clerk, and the Mayor shall then announce the same to the Board.

Section 110.170. Decorum.

[Ord. No. 751 §12, 12-6-1980]

A. *By Board Members.* While the Board is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Board nor disturb any member while speaking or refuse to obey the orders of the Board or its Presiding Officer, or the rules of procedure established by this Chapter; except as otherwise herein provided. Any member who conducts himself/herself in a manner contrary to this Section may, with the consent of a majority of the remaining members of the Board, be expelled from the meeting.

B. *By Persons.* Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Board shall be forthwith, by the Presiding Officer, barred from further audience before the Board unless permission to continue be granted by a majority vote of the Board.

Section 110.180. Enforcement of Decorum.

[Ord. No. 751 §13, 12-6-1980]

The Chief of Police, or such member or members of the Police Department as he/she may designate, shall be Sergeant-At-Arms of the Board meetings. He/she, or they, shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Board meeting. Upon instructions of the Presiding Officer, it shall be the duty of the Sergeant-At-Arms, or any of them present, to place any person who violates the order and decorum of the meeting under arrest, and cause him/her to be prosecuted under the provisions of this Chapter, the complaint to be signed by the Presiding Officer.

Section 110.190. Members May File Protests Against Board Action.

[Ord. No. 751 §14, 12-6-1980]

Any member shall have the right to have the reasons for his/her dissent from, or protest against, any action of the Board entered on the minutes.

Section 110.200. Ordinances, Resolutions, Motions and Contracts.

[Ord. No. 751 §15, 12-6-1980; Ord. No. 1180 §1, 2-24-2009; Ord. No. 1183 §1, 5-19-2009; Ord. No. 1218 §1, 5-17-2011]

No ordinance shall be prepared for presentation to the Board unless ordered by a majority vote of the Board, requested by the Mayor, or prepared by the City Attorney or City Administrator on his/her own initiative. Except when deemed unnecessary by the Mayor and City Administrator, all ordinances, resolutions, and contract documents shall, before presentation to the Board, be approved as to form and legality by the City Attorney or his/her authorized representative.

Section 110.210. Reports and Resolutions to Be Filed With Clerk.

[Ord. No. 751 §16, 12-6-1980; Ord. No. 1180 §1, 2-24-2009]

All reports and resolutions shall be filed with the Clerk and entered on the minutes.

Section 110.220. Adjournment.

[Ord. No. 751 §17, 12-6-1980]

A motion to adjourn shall always be in order and decided without debate.

Section 110.230. Compensation.

Compensation of members of the Board of Aldermen shall be as set by ordinance from time to time.

Chapter 115

CITY OFFICERS

ARTICLE I
City Clerk

Section 115.010. City Clerk, Election — Duties.

Section 115.020. City Clerk Bonded.

Section 115.030. Duties — Generally.

Section 115.040. City Clerk to Act as Bookkeeper and Cashier for Water Department.

ARTICLE II
City Administrator

Section 115.050. Office of the City Administrator.

Section 115.060. Appointment and Tenure.

Section 115.070. Qualifications.

Section 115.080. Bond.

Section 115.090. Compensation.

Section 115.100. Removal of City Administrator.

Section 115.110. Duties.

Section 115.120. Powers.

Section 115.130. Interference by Members of the Board of Aldermen.

ARTICLE I
City Clerk [1]

Section 115.010. City Clerk, Election — Duties.

The Board of Aldermen shall elect a Clerk for such Board, to be known as "the City Clerk", whose duties and term of office shall be fixed by ordinance. Among other things, the City Clerk shall keep a journal of the proceedings of the Board of Aldermen. He/she shall safely and properly keep all the records and papers belonging to the City which may be entrusted to his/her care; he/she shall be the general accountant of the City; he/she is hereby empowered to administer official oaths and oaths to persons certifying to demands or claims against the City.

Section 115.020. City Clerk Bonded.

[Ord. No. 429 §2, 10-1-1958; Ord. No. 1180 §2, 2-24-2009]

Within fifteen (15) days after his/her appointment, and before entering upon the discharge of the duties of his/her office, the City Clerk of the City of Lathrop, Clinton County, Missouri, shall execute to said City a corporate bond in the sum of ten thousand dollars ($10,000.00) conditioned upon the faithful performance of his/her duties, and that he/she will pay over all monies belonging to said City as provided by law, that may come into his/her hands.

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1. **Cross Reference — As to purchasing responsibilities, see ch. 150.**

Section 115.030. Duties — Generally.

[Ord. No. 429 §§3 — 11, 10-1-1958; Ord. No. 1180 §2, 2-24-2009; Ord. No. 1183 §2(a), 5-19-2009; Ord. No. 1218 §2(a), 5-17-2011]

A. *Corporate Seal, General Accountant.* The City Clerk of the City of Lathrop, Clinton County, Missouri, shall be custodian of the Corporate Seal of said City; its public records, the original ordinances and resolutions of the Board of Aldermen of said City, and all other papers, records, and documents that may be committed to his/her charge. The City Clerk of said City shall affix the Corporate Seal of the City of Lathrop to all public instruments which are by law or ordinance required to be attested by such Seal, and countersign the same, and the City Clerk of said City shall affix to and certify all documents, copies, or papers in his/her office required for individual use or for the use of any officer, taking therefrom the receipt of the individual or officer to whom the same may be delivered. The City Clerk of said City shall also be the general accountant of said City as required by law.

B. *Official Documents, Oaths.* The City Clerk of the City of Lathrop, Clinton County, Missouri, shall prepare all official documents pertaining to the business of said City, except those pertaining to legal business or proceedings, and whenever required by law or ordinance, countersign the same and affix the Corporate Seal of said City thereto. The City Clerk of said City is empowered by law to administer official oaths and oaths to persons certifying to demands or claims against the City of Lathrop.

C. *Minutes, Claims.* It shall be the duty of the City Clerk to be present at each meeting of the Board of Aldermen of said City, to keep a careful and correct minute of each proceeding and index the same, and to enter without fail, upon the journal, the "yeas" and "nays" upon the final reading of any bill offered for any ordinance of said City. It shall be the duty of the City Clerk of said City to keep all accounts of claims against said City in a register of accounts prepared for that purpose, and to index thereto.

D. *Organizing Ordinances.* The City Clerk shall keep in a suitable book a complete and perfect record of all ordinances which have been and shall be passed and become laws, and an index to such ordinances, and also a record of the resolutions of the Board of Aldermen of said City, and such Clerk shall endorse on every paper filed in his/her office the date of such filing, together with an abstract of the purpose of such paper.

E. *Bonds, Board Of Aldermen Responsibilities.* The City Clerk shall file and keep and record all bonds executed to said City, and all other papers committed to his/her charge, and perform such duties as may be imposed upon him/her as City Clerk of said City, by ordinance or resolution of the Board of Aldermen of said City.

F. *Records, Documents.* The City Clerk shall not permit any record or document pertaining to his/her office to be taken out of his/her office, except by some officer of said City entitled to the use thereof.

G. *Salary, Fees for Services Rendered.* The City Clerk shall receive a salary as set by ordinance from time to time.

Section 115.040. City Clerk to Act as Bookkeeper and Cashier for Water Department.

[Ord. No. 353 §1, 3-5-1947; Ord. No. 1180 §2, 2-24-2009]

The City Clerk, as duly elected by the Board of Aldermen, shall coordinate the activities associated with the billing, collections and other related business of the Water/Sewer Department of said City.

ARTICLE II
City Administrator

Section 115.050. Office of the City Administrator.

[Ord. No. 959 §1, 3-9-1999]

There is hereby created and established the office of the City Administrator for the City of Lathrop, Missouri.

Section 115.060. Appointment and Tenure.

[Ord. No. 959 §2, 3-9-1999]

A qualified person shall be appointed City Administrator for the City of Lathrop by the Mayor; such appointment shall be approved by a majority of the City Council. The person so appointed shall serve for an indefinite term.

Section 115.070. Qualifications.

[Ord. No. 959 §3, 3-9-1999]

The person appointed to the office of City Administrator shall be at least twenty-five (25) years of age and shall become a resident of the City of Lathrop within ninety (90) days of the effective date of such appointment; and shall be a graduate of an accredited university or college, majoring in public or municipal administration or shall have the equivalent qualifications and experience in financial, administration and/or public relations fields.

Section 115.080. Bond.

[Ord. No. 959 §4, 3-9-1999; Ord. No. 989 §1, 1-11-2000]

The City Administrator, before entering upon the duties of his office, shall file with the City a bond in the amount of ten thousand dollars ($10,000.00); such bond shall be approved by the Board of Aldermen and such bond shall insure the City of Lathrop for the faithful and honest performance of the duties of the City Administrator of Lathrop and for rendering a full and proper account to the City of Lathrop for funds and property which shall come into the possession and control of the City Administrator. The cost of such bond shall be paid by the City of Lathrop, however, should the City Administrator be covered by a blanket bond to the same extent, such individual bond shall not be required.

Section 115.090. Compensation.

[Ord. No. 959 §5, 3-9-1999]

The City Administrator shall receive such compensation as may be determined from time to time by the Board of Aldermen and such compensation shall be payable semi-monthly.

Section 115.100. Removal of City Administrator.

[Ord. No. 959 §6, 3-9-1999]

The City Administrator shall serve at the pleasure of the appointing authority. The Mayor, with the consent of a majority of the Board of Aldermen, may remove the City Administrator from office at will, and such City Administrator may also be removed by a vote of the Board of Aldermen independently of the Mayor's approval or disapproval. If requested, the Mayor and Board of Aldermen shall grant the City Administrator a public hearing within thirty (30) days following notice of such removal. During the interim, the Mayor, with the approval of a majority of the Board of Aldermen, or by vote of the Board of Aldermen without the Mayor's approval, may suspend the City Administrator from duty, but shall continue his salary for two (2) calendar months following the final removal date, provided however, that if the City Administrator shall be removed for acts of dishonesty or acts of moral turpitude, such salary shall not be continued. The Board of Aldermen may also enter into an employment contract with the City Administrator setting forth the terms of employment.

Section 115.110. Duties.

[Ord. No. 959 §7, 3-9-1999; Ord. No. 1183 §2(b), 5-19-2009; Ord. No. 1218 §2(b — c), 5-17-2011]

A. *Administrative Office.* The City Administrator shall be the chief administrative assistant to the Mayor and as such shall be the administrative officer of the City Government. Except as otherwise specified by ordinance or by the law of the State of Missouri, the City Administrator shall coordinate and generally supervise the operation of all departments of the City of Lathrop.

B. *Purchasing.* The City Administrator shall be the purchasing agent for the City of Lathrop, and all purchases shall be made under the City Administrator's direction and supervision and pursuant to Chapter 150 of the Lathrop Municipal Code. **[Ord. No. 1251 §1, 10-15-2013]**

C. *Budget.* The City Administrator shall be the budget officer of the City, and shall assemble estimates of the financial needs and resources of the City for each ensuing year and shall prepare a program of activities within the financial power of the City

D. *Financial Reports.* The City Administrator shall make monthly reports to the Mayor and Board of Aldermen relative to the financial condition of the City. Such reports shall show the financial condition of the City in relation to the budget.

E. *Annual Report.* The City Administrator shall prepare and present to the Mayor and Board of Aldermen an annual report of the City's affairs, including in such report a summary of

reports of department heads and such other reports as the Mayor and Board of Aldermen may require.

F. *Personnel System.* The City Administrator shall act as the personnel officer of the City, and shall supervise all employees and appointive officers of the City and, when appropriate, report on matters pertaining on such supervision to the Board of Aldermen. The City Administrator, after consultation with department heads, shall approve advancements and appropriate pay increases within the approved pay plans and position classification system. The City Administrator shall have the power to appoint and remove (with the approval of the Board of Aldermen) all subordinate employees of the City of Lathrop. The City Administrator shall make recommendations of appointment and removal of department heads.

G. *Policy Formulation.* The City Administrator shall recommend to the Mayor and the Board of Aldermen adoption of such measures as he may deem necessary or expedient for the health, safety, or welfare of the City or for the improvement of administrative services for the City.

H. *Board Of Aldermen Agenda.* The City Administrator shall submit to the Mayor and Board of Aldermen a proposed agenda for each Board meeting at least forty-eight (48) hours before the time of the regular Board meeting.

I. *Boards And Committees.* The City Administrator shall work with all City Boards and Committees to help coordinate the work of each.

J. *Attend Board Of Aldermen Meetings.* The City Administrator shall attend all meetings of the Board of Aldermen.

K. *Bid Specifications.* The City Administrator shall supervise the preparation of all bid specifications for services and equipment, and receive sealed bids for presentation to the Board of Aldermen.

L. *State And Federal Aid Programs.* The City Administrator shall coordinate Federal and State programs which may have application to the City of Lathrop.

M. *Conference Attendance.* The City Administrator shall attend State and Regional conferences and programs applicable to his office, and the business of the City of Lathrop, whenever such attendance is directed and approved by the Board of Aldermen and Mayor.

N. *Press Releases.* The City Administrator shall be responsible for keeping the public informed in the purposes and methods of City Government through all available news media.

O. *Record Keeping.* The City Administrator shall keep full and accurate records of all actions taken by him in the course of his duties, and he shall safely and properly keep all records and papers belonging to the City of Lathrop and entrusted to his care; all such records shall be and remain the property of the City of Lathrop and be open to inspection by the Mayor and Board of Aldermen at all times.

P. *Miscellaneous.* In addition to the foregoing duties, the City Administrator shall perform any and all other duties or functions prescribed by the Mayor and Board of Aldermen.

Section 115.120. Powers.

[Ord. No. 959 §8, 3-9-1999]

A. *City Property.* The City Administrator shall have responsibility for all real and personal property of the City of Lathrop. He shall have responsibility for all inventories of such property and for the upkeep of all such property. Personal property may be sold by the City Administrator only with approval of the Board of Aldermen. Real property may be sold only with the approval of the Board of Aldermen by resolution or ordinance.

B. *Set Administrative Policies.* The City Administrator shall have the power to prescribe such rules and regulations as he shall deem necessary or expedient for the conduct of administrative agencies subject to his authority, and he shall have the power to revoke, suspend, or amend any rule or regulation of the administrative service except those prescribed by the Board of Aldermen.

C. *Coordinate Departments.* The City Administrator shall have the power to coordinate the work of all the departments of the City, and, at times of emergency, shall have authority to assign the employees of the City to any department where they are needed for the most effective discharge of the functions of City Government.

D. *Investigate And Report.* The City Administrator shall have the power to investigate and to examine or inquire into the affairs or operation of any department of the City under his jurisdiction, and shall report on any condition or fact concerning the City Government requested by the Mayor or Board of Aldermen.

E. *Coordinate Officials.* The City Administrator shall have the power to overrule any action taken by a department head, and may supersede him in the functions of his office.

F. *Appear Before The Board Of Aldermen.* The City Administrator shall have the power to appear before and address the Board of Aldermen at any meeting.

G. At no time shall the duties or powers of the City Administrator supersede the action by the Mayor and Board of Aldermen.

Section 115.130. Interference by Members of the Board of Aldermen.

[Ord. No. 959 §9, 3-9-1999]

No member of the Board of Aldermen shall directly interfere with the conduct of any department or duties of employees subordinate to the City Administrator except at the express direction of the Board of Aldermen, or with the approval of the City Administrator.

Chapter 120

BOARDS AND DEPARTMENTS

ARTICLE I
Generally

Section 120.005. Removal for Non-Payment of Any City Tax.

ARTICLE II
Park and Recreation Board

Section 120.010. Park and Recreation Board.

Section 120.020. Terms of Directors — Removal From Office — Vacancies.

Section 120.030. Officers — Rules and Power.

Section 120.040. Duties and Responsibilities.

Section 120.050. Annual Reports.

Section 120.060. Private Donations.

ARTICLE I
Generally

Section 120.005. Removal for Non-Payment of Any City Tax.

[Ord. No. 972 §§1 — 3, 8-9-1999]

A. Any member of any board or commission such as the Park Board, the Board of Adjustment or the members of the Planning Commission who can be removed for misconduct or cause or any other board or commission that is appointed by the Mayor or the Board of Aldermen for the City of Lathrop are subject to and must abide by the provisions of this Section.

B. Any board or commission established by the ordinances for the City of Lathrop whose members can be removed for cause or misconduct, such terms shall henceforth mean in addition to their normal meaning, that failure to pay any City taxes owed by such board or commission member shall be deemed to be grounds for removal for cause from such board or commission and shall be deemed to be misconduct on the part of any board or commission member and shall be deemed to be grounds for the removal of such board member.

C. The foregoing definition of misconduct or removal for cause for the non-payment of any City taxes is in addition to the normal meanings given to the word "misconduct" and the phrase "removal for cause" and is to be deemed to be a clarification of the meaning of those terms as applied to the Statutes for the City of Lathrop and is not to be deemed to be a restriction of the meaning of those terms as they are otherwise generally understood in common usage.

ARTICLE II
Park and Recreation Board

Section 120.010. Park and Recreation Board.

[Ord. No. 725 §1, 7-1-1978]

Under authority of the State laws of Missouri Sections 90.500 to 90.570, RSMo., there be and is hereby created a Park and Recreation Board in the City of Lathrop, Missouri, the Directors of which shall be appointed by the Mayor, subject to the consent of the Board of Aldermen, and shall consist of nine (9) members. Directors appointed to the Park and Recreation Board must be citizens and shall have been residents of the City of Lathrop, Missouri, for at least two (2) years immediately prior to their appointment. No member of the Municipal Government shall be a member of said Board.

Section 120.020. Terms of Directors — Removal From Office — Vacancies.

[Ord. No. 725 §2, 7-1-1978]

A. Such members shall hold their respective office from the first (1st) of June following their appointment. They shall be appointed for a term of three (3) years, except that those appointed at the first (1st) meeting shall cast lots for their respective terms, three (3) Directors to serve three (3) years, three (3) Directors to serve two (2) years, and three (3) Directors to serve one (1) year. All initial terms of office shall be retroactive to June 1, 1978. Annually and thereafter, on or before the first (1st) meeting in June, the Mayor shall, by and with the consent of the Board of Aldermen, appoint three (3) Directors, who shall hold office for three (3) years.

B. The Mayor may, by and with the consent of the Board of Aldermen remove any member of the Park and Recreation Board for misconduct or neglect of duty.

C. Vacancies occasioned by removal, resignation or otherwise, shall be reported to the Board of Aldermen, and shall be filled in like manner as original appointments, except that the term of office is restricted to the unexpired term of office. No Director of the Board shall receive compensation as such.

Section 120.030. Officers — Rules and Power.

[Ord. No. 725 §3, 7-1-1978]

The Park and Recreation Board shall, immediately after the appointment of Directors, meet and organize by the election of one (1) member as President, as Vice-President, Secretary and Treasurer. The Board shall make and adopt such by-laws, rules and regulations for its own guidance and proceedings as may be expedient, not inconsistent with this Article and with Sections 90.500 to 90.570, RSMo.

Section 120.040. Duties and Responsibilities.

[Ord. No. 725 §4, 7-1-1978]

A. The Park and Recreation Board shall:

1. Survey and make plans for the development and maintenance of facilities and activities for an adequate Municipal Park System.

2. The Board shall have exclusive control of the expenditures of all money collected to the credit of the Park Fund, for the supervision, improvement, care, acquisition and custody of the parks.

3. All monies received for such parks shall be deposited in the Treasury of Lathrop, Missouri, to the credit of the Park Fund and shall be kept separate and apart from all other monies and accounts of the City of Lathrop, Missouri, and be drawn upon by the proper officers of the City of Lathrop, Missouri, upon the properly authenticated vouchers of the Park and Recreation Board.

4. The Park and Recreation Board shall have the power to purchase or otherwise secure ground to be used for such parks, shall have the power to appoint a suitable person to take charge of said parks and necessary assistants, if required for said person, and to fix their compensation. The Board shall also have power to remove such appointees for misconduct or neglect of duty, and shall, in general carry out the spirit and intent of Sections 90.500 to 90.570, RSMo., in establishing and maintaining public parks.

Section 120.050. Annual Reports.

[Ord. No. 725 §5, 7-1-1978]

A. The President of the Park and Recreation Board shall present to the Board of Aldermen an annual report. Such report shall be presented at the first (1st) Board of Aldermen meeting in May of each year and shall consist of:

1. The condition of their trust as of the first (1st) day of May of that year.

2. The various sums of money received from the Park Fund, and other sources.

3. The sums of money expended by the Board and for what purposes.

4. Such other statistics, information and suggestions as the Board may deem to be of general interest.

5. A proposed park and recreation budget for the coming year.

6. Recommendations for improving the park and recreation program and facilities.

7. An annual planned program for the use of the parks, recreation facilities and areas.

8. All such portions of said report as relate to the receipts and expenditures of money shall be verified by affidavits.

Section 120.060. Private Donations.

[Ord. No. 725 §6, 7-1-1978]

The Park and Recreation Board shall be held as Special Trustees for all donations of money, personal property or real estate for the benefit of such park, whenever such donations are accepted according to the terms of the deed, gift, devise or bequest of such property.

Chapter 125

CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS

Section 125.010. Declaration of Policy.

Section 125.020. Conflicts of Interest.

Section 125.030. Disclosure Reports.

Section 125.040. Filing of Disclosure Reports.

Section 125.050. Disclosure Reports — When Filed.

Section 125.010. Declaration of Policy.

[Ord. No. 941 §1, 6-9-1998; Ord. No. 1001 §1, 8-8-2000; Ord. No. 1049 §1, 8-20-2002; Ord. No. 1086 §1, 8-17-2004; Ord. No. 1123 §1, 8-15-2006; Ord. No. 1163 §1, 8-18-2008; Ord. No. 1207 §1, 8-17-2010; Ord. No. 1232 §1, 8-21-2012; Ord. No. 1267 §1, 8-19-2014]

The proper operation of government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City.

Section 125.020. Conflicts of Interest.

[Ord. No. 941 §2, 6-9-1998; Ord. No. 1001 §1, 8-8-2000; Ord. No. 1049 §1, 8-20-2002; Ord. No. 1086 §1, 8-17-2004; Ord. No. 1123 §1, 8-15-2006; Ord. No. 1163 §1, 8-18-2008; Ord. No. 1207 §1, 8-17-2010; Ord. No. 1232 §1, 8-21-2012; Ord. No. 1267 §1, 8-19-2014]

A. All elected and appointed officials as well as employees of a political subdivision must comply with Section 105.454, RSMo., on conflict of interest as well as any other State law governing official conduct.

B. Any member of the Governing Body of a political subdivision who has a substantial personal or private interest in any measure, bill, order, or ordinance proposed or pending before such Governing Body must disclose that interest to the Secretary or Clerk of such body, and such disclosure shall be recorded in the appropriate journal of the Governing Body. "Substantial personal or private interest" is defined as ownership by the individual, his spouse, or his dependent children, whether singularly or collectively, directly or indirectly of:

1. Ten percent (10%) or more of any business entity; or

2. An interest having a value of ten thousand dollars ($10,000.00) or more; or

3. The receipt of a salary, gratuity, or other compensation or remuneration of five thousand dollars ($5,000.00) or more per year from any individual, partnership, organization, or association within any calendar year.

Section 125.030. Disclosure Reports.

[Ord. No. 941 §3, 6-9-1998; Ord. No. 1001 §1, 8-8-2000; Ord. No. 1049 §1, 8-20-2002; Ord. No. 1086 §1, 8-17-2004; Ord. No. 1123 §1, 8-15-2006; Ord. No. 1163 §1, 8-18-2008; Ord. No. 1207 §1, 8-17-2010; Ord. No. 1232 §1, 8-21-2012; Ord. No. 1267 §1, 8-19-2014]

A. Each elected official, candidate for elective office, the Chief Administrative Officer, the Chief Purchasing Officer, and the full-time general counsel, if any, shall disclose the following information by May 1, or the appropriate deadline as referenced in Section 105.487, RSMo., if any such transactions occurred during the previous calendar year:

1. 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 five hundred dollars ($500.00), 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

2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars ($500.00), if any, that any business entity in which such person has 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.

3. The Chief Administrative Officer, the Chief Purchasing Officer, and candidates for either of these positions also shall disclose in writing by May 1, or the appropriate deadline as referenced in Section 105.487, RSMo., the following information for the previous calendar year the following information:

a. The name and address of each of the employers of such person from whom income of one thousand dollars ($1,000.00) or more was received during the year covered by the statement;

b. The name and address of each sole proprietorship that he/she owned, the name, address and the general nature of the business conducted of each general partnership and joint venture in which he/she 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 (10%) 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 (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;

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

Section 125.040. Filing of Disclosure Reports.

[Ord. No. 941 §4, 6-9-1998; Ord. No. 1001 §1, 8-8-2000; Ord. No. 1049 §1, 8-20-2002; Ord. No. 1086 §1, 8-17-2004; Ord. No. 1123 §1, 8-15-2006; Ord. No. 1163 §1, 8-18-2008; Ord. No. 1207 §1, 8-17-2010; Ord. No. 1232 §1, 8-21-2012; Ord. No. 1267 §1, 8-19-2014]

The reports, in a format that shall be on file in the City offices, shall be filed with the local political subdivision and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

Section 125.050. Disclosure Reports — When Filed.

[Ord. No. 941 §4, 6-9-1998; Ord. No. 1001 §1, 8-8-2000; Ord. No. 1049 §1, 8-20-2002; Ord. No. 1086 §1, 8-17-2004; Ord. No. 1123 §1, 8-15-2006; Ord. No. 1163 §1, 8-18-2008; Ord. No. 1207 §1, 8-17-2010; Ord. No. 1232 §1, 8-21-2012; Ord. No. 1267 §1, 8-19-2014]

A. The financial interest reports shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year:

1. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment covering the calendar year ending the previous December 31;

2. 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.

3. Every candidate required to file a personal financial disclosure statement shall file no later than fourteen (14) days after the close of filing at which the candidate seeks nomination or election or nomination by caucus. The time period of this statement shall cover the twelve (12) months prior to the closing date of filing for candidacy.

Chapter 130

PERSONNEL POLICY

Section 130.010. New Employees.
Section 130.020. Regular Working Hours.
Section 130.030. Emergency Overtime.
Section 130.040. Pay Periods.
Section 130.050. Holidays.
Section 130.060. Cause for Disciplinary Action.
Section 130.070. Resignation.
Section 130.080. Municipal Buildings and Grounds.
Section 130.090. Accident Reports.
Section 130.100. Physical Examination.
Section 130.110. Vacation Leave.
Section 130.120. Sick Leave.
Section 130.130. Emergency Leave.
Section 130.140. Suspension.
Section 130.150. Jury Duty.
Section 130.160. Layoffs.
Section 130.170. Discharge.
Section 130.180. Conformance to Safety Regulations.
Section 130.190. Drug-Free Workplace Policy.

Section 130.010. New Employees.

[Ord. No. 828 §1, 5-10-1988; Ord. No. 1180 §3, 2-24-2009; Ord. No. 1183 §3(a), 5-19-2009; Ord. No. 1218 §3(a), 5-17-2011]

All new employees shall be hired by the City Administrator, in consultation with the respective department head, for a ninety (90) day probationary period. New employees may be similarly hired through the majority vote of the Board of Aldermen. Termination of employee during such probationary period shall not be subject to challenge by the employee.

Section 130.020. Regular Working Hours.

[Ord. No. 828 §2, 5-10-1988; Ord. No. 1180 §3, 2-24-2009]

Regular working hours for all full-time employees shall be forty (40) hours per week or as determined by the City Administrator with the approval of the Board of Aldermen. Shift starting times shall be based on job function as determined by the City Administrator.

Section 130.030. Emergency Overtime.

[Ord. No. 828 §3, 5-10-1988; Ord. No. 1180 §3, 2-24-2009]

A. Overtime work shall be avoided as far as possible but may be required by the City Administrator in the interests of efficient operation. In the event the City Administrator cannot be reached, an Alderman may authorize overtime work, after first obtaining the consent of at least one (1) other member of the Board of Aldermen. If required to work overtime, the employee shall be granted compensatory time off within the same pay

period or shall be paid at the rate of one and one-half (1½) time the normal rate of pay. Any employee in for emergency overtime shall be entitled to a minimum of one (1) hour pay even though the actual time spent is less than one (1) hour.

B. Non-exempt salaried employees will receive compensatory time for overtime worked. However, in the event the employee is unable to schedule compensatory time due to lack of personnel or other circumstances, the City Administrator may direct payment of straight time for emergency, call-in overtime in the excess of two (2) hours per call-in.

C. All overtime by City employees shall be documented by means of the standardized weekly time sheet, signed by the employee and his/her immediate supervisor and presented to the City Administrator.

D. False, fraudulent, or misleading documentation shall be grounds for dismissal or disciplinary action.

E. The foregoing provisions of Section 130.030 shall not apply to Police personnel whose work schedule is based on United States Department of Labor 29 CFR 553.201 — Law Enforcement Employees of Public Agencies standard.

Section 130.040. Pay Periods.

[Ord. No. 828 §4, 5-10-1988; Ord. No. 1180 §3, 2-24-2009]

Pay periods for both salaried and hourly employees shall be from the first (1st) day of the month through the fifteenth (15th) of the month and from the sixteenth (16th) through the last day of the month. Paydays will be either the fifteenth (15th) or the last working day prior to the fifteenth (15th) and the last working day of the month. Part-time Police Officers will be paid on the fifteenth (15th) of the month payday for the hours worked the previous month unless other arrangements are approved by the City Administrator.

Section 130.050. Holidays.

[Ord. No. 828 §5, 5-10-1988; Ord. No. 1012 §1, 2-13-2001]

A. All regular employees who work on the day immediately preceding or following shall receive their regular compensation for the following holidays:

1. New Year's Day.
2. Martin Luther King Day.
3. Presidents' Day.
4. Good Friday.
5. Memorial Day.
6. Independence Day.
7. Labor Day.

8. Columbus Day.

9. Veterans Day.

10. Thanksgiving Day.

11. Friday following Thanksgiving Day.

12. Christmas Day.

B. When a holiday falls on a Saturday or Sunday or on an employee's non-working day regularly scheduled in lieu of Saturday or Sunday, the preceding or following regular workday, as determined by the Board of Aldermen shall be a holiday. Employees, except Police personnel, required to work on a holiday when it is their regularly scheduled work day shall be given compensatory time off or time and one-half (½) pay, except on Christmas Day when they shall receive double pay. Employees, except Police personnel, required to work on an emergency on a holiday shall receive double pay unless they are a salaried employee, in which event they shall receive compensatory time off.

Section 130.060. Cause for Disciplinary Action.

[Ord. No. 828 §6, 5-10-1988]

A. Any action which reflects discredit upon the Municipal service or is a direct hinderance to the effective performance of the Municipal Government functions shall be considered good cause for disciplinary action against any employee of the City. Circumstances constituting cause for disciplinary action are listed below, although charges may be based upon causes and complaints other than these listed.

1. Habitual use of alcoholic beverages to excess which affects the performance on the job, or the use of narcotics, or controlled substances as defined by Missouri Law and not prescribed by a physician.

2. Guilt of a crime involving moral turpitude or infamous or disgraceful conduct.

3. The taking of intoxicating beverages, or intoxication while on duty.

4. Use of abusive or improper treatment to any person in custody.

5. Offensive conduct or language toward the public or toward City Officials or employees.

6. *"Insubordination"*, which is defined as the willing refusal to carry out a lawful directive, order, or request of a superior.

7. Incompetence to perform the duties of his/her position.

8. Damage to or negligence in the care, handling, or operation of City property.

9. Violation of any lawful and reasonable official regulation or order made or given by his/her superior.

10. Commission of acts or omissions unbecoming an incumbent of the particular office or position held, which render his/her reprimand, suspension, demotion, or discharge necessary or desirable for the economical or efficient control of the business of the City or for the best interest of the Municipal Government.

11. Willful violation of any of the provisions of the Statutes of the State of Missouri, the ordinances of the City or any administrative regulation or any order of his/her superior.

12. Inducing or attempting to induce any officer or employee in the municipal service to commit any illegal act or acts in violation of any lawful and reasonable regulations or order or participating therein.

13. Solicitation or receipt from any person or participation in any fee, gift, or other valuable thing that is given in the hope or expectation of receiving a favor or better treatment than that accorded other persons in the City service.

14. Failure to pay just debts due or failing to make reasonable provision for the future payment of such debts which causes annoyance to the City or his/her superiors, or embarrassment to the municipal service.

15. Absence from duty without reasonable cause contrary to this Chapter or failure to report after leave of absence has expired, or after such leave of absence has been disapproved or revoked and canceled by the proper authority. These absences shall be without pay.

16. Unsatisfactory work.

Section 130.070. Resignation.

[Ord. No. 828 §7, 5-10-1988]

Any employee who is in good standing may resign by presenting his/her resignation in writing not less than two (2) weeks prior to the effective date of such resignation.

Section 130.080. Municipal Buildings and Grounds.

[Ord. No. 828 §8, 5-10-1988]

Employees shall not be in Municipal buildings at night unless on duty. Unauthorized time spent at one of the locations in this Section will not be allowed as "overtime duty".

Section 130.090. Accident Reports.

[Ord. No. 828 §9, 5-10-1988; Ord. No. 1180 §3, 2-24-2009]

All accidents on the job, whether to the employee or to the public, shall be reported to the City Administrator in writing immediately or within twenty-four (24) hours after the same occurs.

Section 130.100. Physical Examination.

[Ord. No. 828 §10, 5-10-1988]

The City may require a physical examination for all prospective employees and shall maintain the option of choosing the examining physician. The City will pay the expense of the examination.

Section 130.110. Vacation Leave.

[Ord. No. 828 §11, 5-10-1988; Ord. No. 1012 §2, 2-13-2001; Ord. No. 1179 §§1 — 2, 12-16-2008; Ord. No. 1180 §3, 2-24-2009]

A. Each full-time employee shall receive vacation leave credit monthly as follows:

1. Until their fifth (5th) anniversary of continual service, employees will receive two (2) weeks vacation.

2. Until their tenth (10th) anniversary of continued service, employees will receive three (3) weeks vacation.

3. After their tenth (10th) anniversary of continued service, employees will receive four (4) weeks vacation.

4. Vacation credits may be given on a pro-ration basis for months worked which total less than one (1) year.

B. (Reserved)

C. *Scheduling Of Vacation.*

1. Vacations shall be scheduled with particular regard to operating requirements and insofar as possible with the requests of employees. Employees shall give a minimum of two (2) weeks notice prior to their vacation. An employee is not required to take all vacation time at once.

2. No annual leave may be taken by an employee until he/she has been in the service of the City continuously for a period of six (6) months.

3. An employee may accrue vacation time up to a maximum of ten (10) days above their annual accrued vacation allotment.

4. Any regular employee leaving the municipal service shall be compensated for vacation leave credited and unused to the date of his/her separation provided he/she has been an employee of the City for at least one (1) year.

5. Any official holiday as set forth in Section 130.050 which shall occur during an employee's scheduled vacation period shall not be counted as a day of vacation.

Section 130.120. Sick Leave.

[Ord. No. 828 §12, 5-10-1988]

A. Each regular employee shall earn one (1) day of sick leave with pay credited monthly.

1. Sick leave with pay will be granted for absence from duty because of actual personal illness, bodily injury or disease for which Workman's Compensation payments are not payable, exposure to contagious disease, or to keep a doctor's or dentist's appointment.

2. When an employee finds it necessary to be absent for any of the reasons specified herein, he/she shall cause the facts to be reported to his/her supervisor prior to the regular time for reporting to work.

3. Sick leave with pay credit may be accumulated not to exceed a total of twenty-four (24) days and may not be used as vacation time.

4. On separation from service an employee shall not be entitled to receive reimbursement for accrued sick leave.

5. An employee will be required to submit a medical certificate for an absence in excess of three (3) days.

Section 130.130. Emergency Leave.

[Ord. No. 828 §13, 5-10-1988; Ord. No. 1180 §3, 2-24-2009]

Emergency leave with pay will be granted for a maximum of seven (7) working days for the death of a spouse. Emergency leave with pay will be granted for a maximum of three (3) working days, to all regular employees to attend a funeral of their mother, father, mother-in-law, father-in-law, brother, sister, son, daughter, in-laws or grandparents. Employees shall be granted only time off as shall be needed to serve as pallbearers outside the family. If an employee utilizes emergency leave, he/she shall report to his/her supervisor, the City Administrator as soon as practicable, and in no event later than twenty-four (24) hours after his/her absence from work begins.

Section 130.140. Suspension.

[Ord. No. 828 §14, 5-10-1988; Ord. No. 1180 §3, 2-24-2009; Ord. No. 1183 §3(b), 5-19-2009; Ord. No. 1218 §3(b), 5-17-2011]

The City Administrator may suspend any employee for not more than a period of three (3) days without pay for violation of Section 130.060. This suspension shall, upon written request by the employee, delivered to the City Clerk, be subject to review by the full Board. Employee may be present during the review or may elect to appoint another employee or person to represent him/her before the Board. In the event a review by the Board is requested by the employee, the suspension period shall be stayed until a decision by the Board has been made. The Board may utilize executive session during the review without the employee's presence.

Section 130.150. Jury Duty.

[Ord. No. 828 §15, 5-10-1988]

Employees will receive pay for jury duty minus jury pay. When jury duty is less than four (4) hours, the employee must return to work.

Section 130.160. Layoffs.

[Ord. No. 828 §16, 5-10-1988]

For lack of work an employee can be laid off.

Section 130.170. Discharge.

[Ord. No. 828 §17, 5-10-1988; Ord. No. 1180 §3, 2-24-2008; Ord. No. 1183 §3(c), 5-19-2009; Ord. No. 1218 §3(c), 5-17-2011]

The City Administrator may, as long as consistent with the United States Constitution, appropriate Missouri Statutes, and ordinances of the City of Lathrop, and in accordance with the Sections of this Chapter, discharge any City employee with or without cause by giving up to two (2) weeks' written notice to the employee. An employee may be similarly discharged with or without cause upon a majority of the Board of Aldermen voting to do so. The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office any such appointive officer of the City at will, and any such appointive officer may be so removed by a two-thirds (⅔) vote of all the members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation.

Section 130.180. Conformance to Safety Regulations.

[Ord. No. 828 §18, 5-10-1988]

All employees must conform to all Federal, State and local safety regulations prescribed by law.

Section 130.190. Drug-Free Workplace Policy.

[Ord. No. 1166, 9-16-2008]

A. *Policy.*

1. It is the policy of the City to maintain a workplace free from the use and abuse of illegal drugs and alcohol. Compliance with this policy is a condition of continued employment. At any time, the City may unilaterally, at its discretion, amend, supplement, modify or change any part of this policy. The policy does not represent an expressed or implied contract and does not affect your status as an at-will employee.

2. Non-compliance with this policy, which may result from either a refusal to submit violation or a positive test result, shall result in severe disciplinary action up to and including termination.

B. *Disciplinary Action.*

1. The City reserves the right to use mandatory referral, evaluation and treatment including disciplinary actions up to and including termination of employment, depending upon the seriousness of the violation, the employee's present job assignment, the employee's record with the City and other factors, including the impact of the violation upon the conduct of City business.

2. In a first (1st) violation situation, the City's preferred response will be mandatory referral, evaluation and treatment without termination of employment; however, the City may implement immediate termination in a first (1st) violation situation if, in the City Administrator's judgment, the circumstances warrant such action.

C. *Drug And Alcohol Prohibitions.*

1. *"Illegal drug"* means any drug:

a. Which is not legally obtainable, or

b. Which is legally obtainable but has not been legally obtained, or

c. Non-prescribed controlled drugs.

In addition *"illegal drug"* means prescribed drugs not being used in prescribed manner.

2. Any employee involved in any of the following activities at any time during the hours between the beginning and end of the employee's work shift, whether or not on City business, premises, or property, is a violation of City policy and subject to disciplinary action:

a. Bringing illegal drugs onto City property or premises.

b. Having possession of, or having a specific level of concentration amount of illegal drugs or alcohol in employee's body during working hours.

c. Using, consuming, transforming, distributing or attempting to distribute or dispensing illegal drugs.

D. *Drug And Alcohol Testing.*

1. The City asserts its legal right and prerogative to test any employee for illegal drugs and alcohol use in conjunction with any accident or injury alleged to have occurred within the course and scope of employment. Employees may be asked to submit to medical examination and/or submit to urine, saliva, breath and blood testing for illegal drugs or alcohol within the body of the employee following an

accident or injury. Any information obtained through such examinations may be retained by the City and is property of the City.

2. In particular, the City reserves the right, in its discretion and within the limits of Federal and State laws, to examine and test for the presence of drugs and alcohol in situations such as, but not limited to, the following:

a. *Pre-employment.* All applicants whom the City of Lathrop intends to employ will be tested for controlled substances prior to the commencement of City employment. Any such job offer shall be deemed conditional upon the successful completion of such testing. Failure or refusal of such testing shall be cause for withdrawal of any such job offer.

b. *Post-accident.* An incident occurring while on City business that results in any one (1) or more of the following:

(1) Injury (requiring medical treatment) to an employee or others;

(2) Damage to City property;

will be subject to illegal drug and/or alcohol testing. Alcohol tests will be conducted within two (2) hours of the incident and controlled substances within thirty-two (32) hours. Failure to report any accident that meets the post-accident testing criteria is in violation of City policy and subject to disciplinary action. Employees testing positive, under State law, may be ineligible or receive a fifteen percent (15%) reduction of Workers' Compensation benefits.

c. *Reasonable suspicion.* Current employees may be asked to submit to a drug and/or alcohol test if cause exists to indicate that their health or ability to perform work may be impaired. Although reasonable suspicion testing does not require certainty, mere "hunches" are not sufficient to meet this standard. Therefore, a reasonable suspicion test will only be conducted after careful consideration and approval by the City Administrator.

E. *Drug Testing Procedures.*

1. The drug test will be performed from urine specimens collected at a qualified collection site. For all post-accident and reasonable cause situations to determine substance levels, a blood test or evidential breath test will be performed at the collection site. The collection site will take the necessary steps to avoid any dilution or alteration of urine specimens. Proper handling of the specimens will be maintained so that the specimen results can be traced to the proper individual. A secure, written chain-of-custody process will be implemented from the time of the collection of the specimen until the specimen is disposed of or secured in frozen long-term storage. The specimen will be analyzed by a NIDA-certified, professional laboratory for the following controlled substances with specific concentration levels greater than the following:

a. Cocaine: 300 ng/ml.

b. Amphetamines: 1,000 ng/ml.

c. Opiates: 2,000 ng/ml.

d. Cannabinoids (marijuana): 100 ng/ml.

e. Phencyclidine (PCP): 25 ng/ml.

2. In addition to the above controlled substances, breath test or blood test will be conducted to determine the presence of alcohol for a concentration level greater than four-hundredths (.040).

3. Any employee who is tested positive will have the right, upon request, to see the results of his/her test. Employees whose tests are confirmed positive will be notified by the City. If the test is a result of a post-accident situation requiring medical care, the City's Workers' Compensation insurance carrier will be notified of the results.

F. *Random Testing Policy Of Safety-Sensitive Employees.*

1. In addition to the City's general drug and alcohol testing policy, all City employees in safety- sensitive positions, as defined in this policy, shall be subject to random testing for drug and alcohol use. A minimum annual percentage rate for random testing shall be ten percent (10%) of the average number of safety-sensitive employees.

2. The selection of safety-sensitive employees for random testing shall be conducted by a third (3rd) party in accordance with a scientific valid method and each safety-sensitive employee shall have an equal chance of being tested each time selections are made. Random testing shall be unannounced and the dates for such testing shall be spread reasonably throughout the calendar year.

G. *Return To Duty Testing.* Before a safety-sensitive employee returns to duty after engaging in prohibited conduct regarding alcohol or controlled substance misuse, the employee will be required to take an alcohol test with a concentration level under two-hundredths percent (.02%) or a negative result controlled substance test. Whether the return-to-duty testing is to be solely for alcohol or controlled substances or both shall be determined on the prior testing which resulted in a violation of this policy.

H. *Follow-Up Testing.* Any employee who has violated the alcohol-related or controlled substance prohibitions in this policy shall, after returning to duty, be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of the tests shall be determined by a substance abuse professional and must consist of at least six (6) tests in the first twelve (12) month period following the employee's return to duty.

I. *Safety-Sensitive Employee.* All City employees performing non-clerical duties in the Police and Fire Departments are safety-sensitive employees. All City employees who

operate heavy equipment or drive City vehicles as part of their regular job duties are safety-sensitive employees.

J. *Effectivity*. To maintain a drug-free workplace, the City has established this policy effective September 17, 2008, with regard to the use, possession and sale of illegal drugs and alcohol. Drug and alcohol testing practices will be adopted to identify employees or applicants using drugs and/or alcohol.

K. *Employee Consent Form And Consent And Release Form*. The employee consent and consent and release forms that follow are a part of this Section.

CITY OF LATHROP, MISSOURI

EMPLOYEE CONSENT FORM

I hereby acknowledge receipt of a copy of the City of Lathrop, Missouri, Drug-Free Workplace Policy regarding drugs and alcohol. I have read and understand the policy. I understand that refusal to submit to any drug test required by this policy or a positive test result is grounds for disciplinary action up to and including termination. Furthermore, I authorize the release of the test results to my employer and/or, on post-accident tests, the City's Workers' Compensation insurance carrier and understand the refusal to release these results is grounds for disciplinary action up to and including termination. I understand that if I test positive for drug or alcohol following an on-the-job accident, I may be ineligible for Workers' Compensation benefits or have benefits reduced by fifteen percent (15%) as allowed by Missouri law.

I recognize that the City's policy on drugs and alcohol does not constitute an expressed or implied contract of employment.

EMPLOYEE NAME: _____

SOCIAL SECURITY NUMBER: _____

EMPLOYEE SIGNATURE: _____ DATE: _____

WITNESS SIGNATURE: _____ DATE: _____

CITY OF LATHROP, MISSOURI

CONSENT AND RELEASE

DATE: _____

I voluntarily consent to testing for the detection of the following illegal drugs and alcohol.

Cocaine

Cannabinoides (Marijuana)

Amphetamines (Methamphetamine)

Phencyclidine (PCP)

Opiates

Alcohol

I hereby release the City of Lathrop, Missouri, from any liability incurred from this testing procedure.

NAME: _____ DATE: _____

SOCIAL SECURITY NUMBER: _____

WITNESS: _____ DATE: _____

Chapter 135

MUNICIPAL JUDGE AND COURT

ARTICLE I
Municipal Judge

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Section 135.020. Selection of Municipal Judge.

Section 135.030. Absence of Judge.

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Section 135.090. Docket and Court Records.

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Section 135.130. Summoning of Witnesses.

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Section 135.150. Jailing of Defendants.

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Section 135.170. Right of Appeal — Trial De Novo.

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Section 135.200. Disqualification of Municipal Judge From Hearing Particular Case.

Section 135.210. Establishment of Municipal Division Court Clerk.

Section 135.220. Court Costs.

ARTICLE I
Municipal Judge

Section 135.010. Establishment of Municipal Judge and Municipal Court.

[Ord. No. 895 §1, 12-12-1995]

There shall be a Municipal Judge which has original jurisdiction to hear and determine the violations of the municipal ordinances of the City of Lathrop. The Court as so established

shall be known as "The Lathrop Municipal Court, a Division of the Clinton County Circuit Court".

Section 135.020. Selection of Municipal Judge.

[Ord. No. 895 §2, 12-12-1995; Ord. No. 1180 §4, 2-24-2009]

The Judge of the Lathrop Municipal Court shall be appointed by the City's Board of Aldermen and shall serve an indefinite term.

Section 135.030. Absence of Judge.

[Ord. No. 895 §3, 12-12-1995; Ord. No. 1180 §4, 2-24-2009; Ord. No. 1183 §4, 5-19-2009; Ord. No. 1218 §4, 5-17-2011]

If the Municipal Judge is absent, sick or disqualified from acting, the City Administrator shall designate an eligible person to act as Municipal Judge until such absence or disqualification shall cease.

Section 135.040. Residency of the Municipal Judge.

[Ord. No. 895 §4, 12-12-1995]

Any person elected to be Municipal Judge shall be a resident of the State of Missouri for a period of ninety (90) days before appointment and shall continue to reside in the State of Missouri throughout the term of office.

Section 135.050. Necessary Requirements of Person Selected to Be Municipal Judge.

[Ord. No. 895 §5, 12-12-1995]

A. Any person selected to become Municipal Judge must meet all of the following requirements:

1. Shall hold no other office in the City of Lathrop;

2. Shall be at least twenty-one (21) years of age. No person shall serve as Municipal Judge who has reached the age of seventy (70);

3. Shall be licensed to practice law in the State of Missouri.

Section 135.060. Municipal Judge — Power and Duties Generally.

[Ord. No. 895 §10, 12-12-1995]

A. The Municipal Judge shall be and is hereby authorized to:

1. Administer oaths and enforce due obedience to all orders, rules and judgments made by him/her and may fine and imprison for contempt committed before

him/her while holding Court, in the same manner and to the same extent as a Circuit Judge.

2. Commute the term of any sentence, stay execution of any fine or sentence, suspend any fine or sentence and to make such other orders as the Municipal Judge deems necessary relative to any matter that may be pending in the Municipal Court.

3. Make and adopt such rules of practice and procedure as are necessary to implement and carry out the provisions of this Chapter and to make and adopt such rules of practice and procedure as are necessary to hear and decide matters pending before the Municipal Court and to implement and carry out the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts. Any and all rules made or adopted hereunder may be annulled or amended by an ordinance limited to such purpose; provided that such ordinance does not violate or conflict with, the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts or State Statutes.

4. The Municipal Judge shall have such other powers, duties and privileges as are or may be prescribed by the laws of this State, this Code or other ordinance of this City.

Section 135.070. Municipal Judge to Establish Bond Schedule.

[Ord. No. 895 §11, 12-12-1995]

The Municipal Judge is hereby authorized to establish by order, in connection with charged violations of any ordinance of the City of Lathrop, Missouri a bond schedule and procedures for handling bonds.

Section 135.080. Compensation of Municipal Judge.

[Ord. No. 895 §6, 12-12-1995; Ord. No. 1180 §4, 2-24-2009]

Compensation of the Municipal Judge shall be established at the time of appointment and reviewed annually on the anniversary of the appointment.

ARTICLE II
Municipal Court

Section 135.090. Docket and Court Records.

The Municipal Judge shall keep a docket in which he/she shall enter every case commenced before him/her and the proceedings therein, and he/she shall keep such other records as may be required. Such docket and records shall be records of the Circuit Court of Clinton County. The Municipal Judge shall deliver the docket and records of the Municipal Court, and all books and papers pertaining to his/her office, to his/her successor in office, or to the Presiding Judge of the Circuit.

Section 135.100. Issuance and Execution of Warrants.

[Ord. No. 1189 §§1 — 2, 8-7-2009]

A. *Search Warrant Defined — Who May Issue, Execute.*

1. An administrative search warrant is a written order of the Municipal Judge commanding the search or inspection of any property, place or thing and the seizure, photographing, copying or recording of property or physical conditions found thereon or therein to determine or prove the existence of violations of any ordinance or Code Section of the City relating to the use, condition or occupancy of property or structures located within the City limits or to enforce the provisions of any such ordinance or Code Section.

2. The Municipal Judge having original and exclusive jurisdiction to determine violations against the ordinances of the municipality may issue an administrative search warrant when:

   a. The property or place to be searched or inspected or the thing to be seized is located within the City limits at the time of the making of the application, and

   b. The owner or occupant of the property or place to be searched or inspected or the thing to be seized has refused to allow same after official request by the Police Department.

3. Any such warrant shall be directed to the Chief of Police or any other Police Officer of the City of Lathrop and shall be executed by the Chief of Police or said Police Officer within the City limits and not elsewhere.

B. *Who May Apply for Warrant — Contents Of Application.*

1. Any Police Officer or an attorney of the City may make application to the Municipal Judge for the issuance of an administrative search warrant.

2. The application shall:

   a. Be in writing;

   b. State the time and date of the making of the application;

   c. 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;

   d. State that the owner or occupant of the property or places to be entered, searched, inspected or seized has been requested by the officer of the City of Lathrop to allow such action and has refused to allow such action;

   e. State facts sufficient to show probable cause for the issuance of a search warrant, as provide in Subsection (C)(1) hereof, 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 that any required due process has been afforded prior to the entry or seizure;

f. Be verified by the oath or affirmation of the applicant; and

g. Be signed by the applicant and filed in the Municipal Court.

3. 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.

C. *Hearing And Procedure — Contents Of Warrant — Execution And Return.*

1. *Hearing and procedure.*

a. The Municipal Judge shall hold a non-adversary hearing to determine whether probable cause exists to inspect or search for violations of any City ordinance or Code Section or to enforce any such ordinance or Code Section.

b. In doing so the Municipal Judge shall determine whether the action to be taken by the City is reasonable in light of the facts stated. The Municipal 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 and the passage of time since the property's last inspection. The standard for issuing a warrant need not be limited to actual knowledge of an existing violation of a City ordinance or Code Section.

c. If it appears from the application and supporting affidavit that there is probable cause to inspect or search for violations of any City ordinance or Code Section or to enforce any such ordinance or Code Section, a search warrant shall immediately be issued.

d. The warrant shall issue in the form of an original and two (2) copies and the application any supporting affidavit and copy of the warrant as issued shall be retained in the records of the Municipal Court.

2. *Contents of search warrant.* The search warrant shall:

a. Be in writing and in the name of the City of Lathrop;

b. Be directed to any officer in the City of Lathrop;

c. State the time and date the warrant was issued;

d. Identify the property or places to be searched, inspected or entered upon in sufficient detail and particularly that the officer executing the warrant can readily ascertain it;

e. Command that described property or places be searched or entered upon and that any evidence of any City ordinance violations found therein or thereon within ten (10) days after filing of the application to the Municipal Judge who issued the warrant to be dealt with according to law;

f. Be signed by the Judge, with his title of office indicated.

3. *Execution and return.*

a. A search warrant issued under this Section shall be executed only by a Lathrop 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:

(1) The warrant shall be executed by conducting the search, inspection, entry or seizure as commanded and shall be executed as soon as possible and in a reasonable manner.

(2) The officer shall give the owner or occupant of the property searched, inspected or entered upon a copy of the warrant.

(3)

(a) If any property is seized incident to the search, 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 in a conspicuous place.

(b) 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.

(c) The disposition of property seized pursuant to a search 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.

(4) The officer may summon as many persons as he deems necessary to assist him in executing the warrant and such persons shall not be held liable as a result of any illegality of the search and seizure.

(5) 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 would be justified in using if the warrant were valid.

(6) A search warrant shall expire if it is not executed and the required return made within ten (10) days after the date of the making of the application.

b. After execution of the search warrant, the warrant, with a return thereon signed by the officer making the search, shall be delivered to the Municipal Court.

(1) 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.

(2) 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 case, a description of the property seized shall accompany the return.

(3) The Court Clerk, upon request, shall deliver a copy of the return to possessor and the owner, when not the same person, of the property searched or seized.

D. *Warrant Invalid — When.* A search warrant shall be deemed invalid:

1. If it was not issued by the Municipal Judge;

2. If it was issued without a written application having been filed and verified;

3. 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)(1)(b) hereof;

4. If it is not issued with respect to property or places in the City of Lathrop;

5. If it does not describe the property or places to be searched, inspected, entered upon or seized with sufficient certainty;

6. If it is not signed by the Judge who issued it; or

7. If it is not executed and the required return made within ten (10) days after the date of the making of the application.

Section 135.110. Arrests Without Warrants.

Any officer of the Police Department of the City may, without a warrant, make arrest of any person who commits an offense in his/her presence, but such officer shall, before the trial, file a written complaint with the Municipal Judge.

Section 135.120. Jury Trials.

Any person charged with a violation of an ordinance of this City shall be entitled to a trial by jury, as in prosecutions for misdemeanors before an Associate Circuit Judge. Whenever a defendant accused of a violation of a municipal ordinance demands trial by jury, the Municipal Judge shall certify the case to the Presiding Judge of the Circuit Court for reassignment.

Section 135.130. 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 witness 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/her on the day set for trial to testify in the case, and enter the names of such witnesses on the docket, which oral notice shall be valid as a summons.

Section 135.140. Transfer of Complaint to Associate Circuit Judge.

If, in the progress of any trial before the 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 recognizable before him/her as a Municipal Judge, he/she shall immediately stop all further proceedings before him/her as Municipal Judge and cause the complaint to be made before an Associate Circuit Judge within the County.

Section 135.150. Jailing of Defendants.

The Municipal Judge may commit a Defendant to the County Jail, and it shall be the duty of the Sheriff 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 rate as may now or hereafter be allowed to such Sheriff for the keeping of such prisoner in his/her custody. The same shall be taxed as costs.

Section 135.160. Parole or Probation, When Granted — Certificate — Conditions of Probation — Modification of Conditions.

A. Any Judge hearing violations of municipal ordinances may, when in his/her judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before such judge. When a person is placed on probation he/she shall be given a certificate explicitly stating the conditions on which he/she is being released.

B. In addition to such other authority as exists to order conditions of probation, the Court may order conditions which the Court believes will serve to compensate the victim of the

crime, any dependent of the victim, or society in general. Such conditions may include, but need not be limited to:

1. Restitution to the victim or any dependent of the victim, in an amount to be determined by the judge; and

2. The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the judge.

C. A person may refuse probation conditioned on the performance of free work. If he/she does so, the Court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any County, City, person, organization, or agency, or employee of a County, City, organization or agency charged with the supervision of such free work or who benefits from its performance shall be immune from any suit by the person placed on parole or probation or any person deriving a cause of action from him/her if such cause of action arises from such supervision of performance, except for intentional torts or gross negligence. The services performed by the probationer or parolee shall not be deemed employment within the meaning of the provisions of Chapter 288, RSMo.

D. The Court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term.

Section 135.170. Right of Appeal — Trial De Novo.

A. If the Municipal Judge is not a lawyer, the defendant shall have the right to a trial de novo, even from a plea of guilty, before a Circuit Judge or an Associate Circuit Judge. Such application for a trial de novo shall be filed within ten (10) days after the judgement and shall be in the form as provided by Supreme Court rules.

B. If the Municipal Judge is an attorney, on proper application as above, the defendant shall have a right of trial de novo in Circuit Court in all cases tried before the Municipal Court, except where there has been a plea of guilty or where the case has been tried with a jury.

Section 135.180. Appeal From Jury Verdicts.

In all cases in which a jury trial has been demanded, a record of the proceedings shall be made, and appeals may be had upon that record to the appropriate Appellate Court.

Section 135.190. Breach of Recognizance.

In the case of a breach of any recognizance entered into before a Judge hearing a municipal ordinance violation case, the same shall be deemed forfeited and the Judge shall cause the same to be prosecuted in the Circuit Court against the principal and surety, or either of them, in the name of the City as plaintiff. All monies received by such forfeiture shall be paid to the general revenue fund of the City.

Section 135.200. Disqualification of Municipal Judge From Hearing Particular Case.

The Municipal Judge shall be disqualified to hear any case in which he/she is in anyway interested, or, if before the trial is begun, the defendant or the prosecutor files an affidavit that the party cannot have a fair and impartial trial by reason of the interest or prejudice of the Judge. Neither the defendant nor the City shall be entitled to file more than one (1) affidavit for disqualification in the same case.

Section 135.210. Establishment of Municipal Division Court Clerk.

[Ord. No. 895 §§8 — 9, 12-12-1995; Ord. No. 1180 §4, 2-24-2009]

A. The Court Clerk shall be appointed by the Mayor with the consent and approval of a majority of the Board of Aldermen. All vacancies, both permanent and temporary, shall be filled by the Mayor. The Clerk shall serve for an indefinite term. The Clerk shall receive a salary as set by ordinance from time to time.

B. The duties of said Clerk shall be as follows:

1. To collect fines for violations of such offenses as are prescribed, and the Court costs thereof.

2. To take oaths and affirmations.

3. To accept signed complaints, and allow the same to be signed and sworn to or affirmed before him/her.

4. Sign and issue subpoenas requiring the attendance of witnesses and sign and issue subpoenas duces tecum.

5. Accept the 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; generally perform all services necessary for the proper functioning of the Municipal Court.

6. Perform all other duties as provided for by ordinance, by rules of practice and procedure adopted by the Municipal Judge and by the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and by Statute.

7. Maintain, properly certified by the Clerk, a complete copy of the ordinances of the City which shall constitute prima facie evidence of such ordinance before the Court. Further, to maintain a similar certified copy on file with the Clerk serving the Circuit Court of this County.

Section 135.220. Court Costs. [1]

[Ord. No. 883 §§1 — 2, 1-10-1995; Ord. No. 895 §7, 12-12-1995; Ord. No. 1024 §2, 8-14-2001; Ord. No. 1180 §4, 2-24-2009]

A. The Court costs for each municipal ordinance violation case filed before the Municipal Judge shall be as follows:

1. Twelve dollars ($12.00) for each matter heard and all guilty pleas.

2. An additional fee of two dollars ($2.00) will be assessed for violations of the general criminal laws of the State, including infractions or violations of municipal ordinances, provided that no such fee shall be collected for non-moving traffic violations. The two dollar ($2.00) fee shall go toward paying for Police Officer training as provided by Sections 590.100 to 590.180, RSMo. Such fees shall be collected and disbursed as required by Section 590.140, RSMo.

3. *Crime Victims Compensation.* The official of the Municipal Court responsible for collecting Court costs and fines may assess as additional Court costs seven dollars fifty cents ($7.50) for each Court proceeding filed for violation of the ordinances of the City of Lathrop, providing that no such fees shall be collected for non-moving traffic violations, and no such fee shall be collected in any proceeding in such Court when the proceeding or defendant has been dismissed by the Court.

4. Any person who is convicted of or pleads guilty to a drug-related offense pursuant to the provisions of Chapter 195, RSMo., or an intoxicated-related traffic offense, as defined in Section 577.023, RSMo., shall be assessed as costs a victims' services fee in the amount of five dollars ($5.00). Such fee shall be collected by the Clerk of the Court and paid at least monthly to the Director of Revenue and placed to the credit of the Independent Living Center Fund.

5. *Alcohol and drug-related traffic offenses.* In addition to any other penalties and costs provided by law or ordinance, the Court may order any person convicted of an alcohol or drug-related traffic offense or amended alcohol or drug-related traffic offense, to reimburse the City for the costs associated with the arrest of such person. Such costs shall include the reasonable cost of making the arrest, including the cost of any chemical test made to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody. A schedule of such costs shall be established by the Lathrop Police Department and filed with the Clerk of the Municipal Court, and the Court may impose costs in accordance with the schedule; provided, the Court may order the costs reduced in a case if the Court determines the costs are excessive.

6. The costs may be increased to include service costs, witness fees and jail costs.

7. Court costs of fifty dollars ($50.00) shall be assessed for any person convicted of an *"intoxication-related traffic offense"* as defined by Section 577.023, RSMo., for the "Spinal Cord Injury Fund" and shall be disbursed pursuant to Sections 488.010 to 488.020, RSMo.

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1. Cross Reference — As to reimbursement of costs related to driving while intoxicated, see §340.200(C).

8. Fines and costs shall be paid into the Municipal Treasury as required by Section 479.080, RSMo.

Chapter 140

FINANCE

Section 140.010. Fiscal Year.

Section 140.020. Year-End Financial Report.

Section 140.010. Fiscal Year.

[Ord. No. 502 §1, 11-6-1963; Ord. No. 1180 §5, 2-24-2009]

The fiscal year of the City shall commence on July first (1st) and shall terminate June thirtieth (30th) following, and the books, accounts and reports of the public officers shall be made to conform thereto.

Section 140.020. Year-End Financial Report.

[Ord. No. 502 §2, 11-6-1963; Ord. No. 1180 §5, 2-24-2009]

At the first (1st) regular meeting of the Board of Aldermen following July first (1st) of each year, the City Administrator shall make a year-end financial report and an annual report available to the Board of Aldermen.

Chapter 145

TAXATION

Section 145.010. City Sales Tax.

Section 145.020. Sales Tax on Residential Utilities.

Section 145.030. (Reserved)

Section 145.040. Capital Improvement Tax for Sewerage Purposes.

Cross Reference — As to business license tax for telephone and telecommunications services provider, see §605.120.

Section 145.010. City Sales Tax. [1]

[Ord. No. 798 §1, 10-7-1986; Ord. No. 901 §1, 4-9-1996; Ord. No. 1129 §1, 10-17-2006]

Imposition Of City Sales Tax. Pursuant to the authority granted by and subject to the provisions of Sections 94.500 to 94.570, RSMo., a tax for general revenue purposes hereby is imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in Sections 144.010 to 144.510, RSMo., including residential utilities and the rules and regulations of the Director of Revenue issued pursuant thereto. The rate of tax shall be one percent (1%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the City of Lathrop, Missouri, if such property and taxable services are subject to taxation by the State of Missouri under the provisions of Sections 144.010 to 144.510. RSMo., but including residential utilities. The tax shall become effective as provided in Subsection (4) of Sections 94.500 to 94.510, RSMo., and shall be collected pursuant to the provisions of Sections 94.500 to 94.570, RSMo.

Section 145.020. Sales Tax on Residential Utilities.

[Ord. No. 739 §1, 10-6-1979; Ord. No. 954 §1, 2-9-1999]

A. 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 for domestic use only, heretofore imposed within the corporate limits of this municipality is hereby imposed per Section 144.032, RSMo. Domestic use shall be determined in the same manner as the determination of domestic use for exemption of such sales from the State sales tax under the provisions of Section 144.030, RSMo., 1994.

B. The rate of taxation shall be one percent (1%).

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1. **Editor's Note — The voters elected in August, 1996 to extend this tax through December 31, 2006.**

Section 145.030. (Reserved) [2]

Section 145.040. Capital Improvement Tax for Sewerage Purposes.

[Ord. No. 948 §1, 8-22-1998; Ord. No. 1165 §1, 8-18-2008, passed in 11-4-08 election; Ord. No. 1178 §1, 12-16-2008]

Pursuant to the authority granted by and subject to the provisions of Section 94.500 to 94.577, RSMo., a tax for capital improvement purposes hereby is imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in Section 144.010 to 144.510, RSMo., including residential utilities, and the rules and regulations of the Director of Revenue issued pursuant thereto. The rate of tax shall be one-half of one percent (½%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the City of Lathrop, Missouri, not to exceed ten (10) years if such property and taxable services are subject to taxation by the State of Missouri under the provisions of Section 144.010 to 144.525, inclusive, RSMo., but including residential utilities. The tax shall become effective as provided in Subsection (4) of Section 94.500 to 94.510, RSMo., and shall be collected pursuant to the provisions of Section 94.500 to 94.577, RSMo. This tax shall be for capital improvement purposes on the sewer system in the City of Lathrop, Missouri.

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2. Editor's Note — As to an error this section was removed since it was duplicated in the following section.

Chapter 150

PROCUREMENT POLICY

Section 150.010. Definitions.

Section 150.020. Purpose.

Section 150.030. Application.

Section 150.040. Administration.

Section 150.050. Bidding.

Section 150.060. Prohibition Against Splitting of Procurements.

Section 150.070. Approval.

Section 150.080. Authorizations.

Section 150.090. Transfers.

Section 150.100. Petty Cash.

Section 150.110. Sale of Equipment or Property.

Section 150.120. Board of Aldermen.

Section 150.130. Policy and Procedure for the Procurement of Qualification-Based Professional Services.

Section 150.140. Conflict of Interest — City Purchases.

Section 150.150. Local Purchasing Preference Policy.

Section 150.160. Missouri and United States Products.

Section 150.170. Pre-Authorized Payments by City to Certain Vendors.

Editor's Note — Ord. no. 1172 §1, adopted September 16, 2008, repealed ch. 150 "purchasing agent and procurement procedures" and enacted new provisions set out herein. Former ch. 150 derived from ord. no. 889 §§2 — 16, 7-11-95; ord. no. 929 §1, 3-10-98; ord. no. 986 §1, 11-9-99; ord. no. 1035 §1, 12-6-01.

Section 150.010. Definitions.

[Ord. No. 1172 §1, 9-16-2008]

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:

AUTHORIZED PERSON — The City Administrator is designated as the Purchasing Agent for the City of Lathrop, Missouri. In the absence of the City Administrator, the City Clerk may act as the Purchasing Agent. Any City employee having a supervisory capacity may purchase items as approved by the City Administrator, department head or Board of Aldermen or this policy on behalf of the City.

AWARD — The presentation, after careful consideration, of a purchase agreement or contract to the selected bidder.

BIDDER — A person who submits a bid in response to a public notice or invitation for bid.

BLANKET PURCHASE ORDER — A contract under which a vendor agrees to provide products or services to a purchaser on a demand basis; the contract generally establishes

prices, terms, conditions and the period covered (no quantities are specified); shipments are to be made as required by the purchaser.

BOARD OF ALDERMEN — The individuals elected to serve as Mayor and Aldermen of the City of Lathrop, Missouri, are considered members of the Board of Aldermen.

CAPITAL EQUIPMENT — Assets used in the day-to-day operations such as property, fixtures or machinery including all items that have an extended life so that they are regarded as fixed assets such as cars, trucks, backhoes usually costing one thousand dollars ($1,000.00) or more.

CAPITAL PROJECTS — Construction projects, either new or replacement, such as roads, buildings, water and sewer lines where the cost of construction exceeds one thousand dollars ($1,000.00).

CITY — The City of Lathrop, Missouri, and its authorized representatives.

CITY ADMINISTRATOR — The chief administrative officer of the City.

CONSTRUCTION — The process of building, altering, repairing, improving or demolishing any public structure, building or other public improvements of any kind to any public real property. It does not include the routine operation, routine repair or routine maintenance of existing structures, buildings or real property.

CONTRACT — Any type of City agreement, regardless of what it may be entitled, for the procurement of supplies, services or construction.

CONTRACTOR — Any person or entity pursuing, or currently a party to, a contract with the City.

CONTRACTUAL SERVICES — Includes all telephone, utilities, gasoline, uniform services, cleaning contracts, rental, repair or maintenance of equipment, machinery and other City-owned property. This category also includes personal services of a person, agency or group of a non-technical or professional nature.

COOPERATIVE AGENCY — Any department, agency, commission, bureau or other unit in any other governmental unit whether school district, special authority, other municipality, County, State, Federal or otherwise governmental type unit which cooperates with the City through its Finance Director in purchasing any items covered by this Chapter.

DEPARTMENT HEADS — The person that is the head of a major function of the City and reports directly to the City Administrator. Positions in this classification include all positions with Superintendent, Director, Commissioner or Engineer in the title and the Chief of Police.

EMPLOYEE — Any individual receiving a salary or hourly wage from the City for the performance of their assigned duties.

ENGINEERING SERVICES — A subset of professional services including architectural, engineering, land surveying and other related services.

INVITATION FOR BIDS — Any document utilized for soliciting sealed bids. No confidential or proprietary data shall be solicited in an invitation for bids. Bids are publicly opened and prices are fixed.

ITEM — Anything that is one (1) each, i.e., one (1) backhoe, one (1) car, one (1) radio, one (1) total project, one (1) service contract. An item cannot be subdivided to avoid the requirements of this Chapter.

PROFESSIONAL SERVICE — The performance of a technical or professional service by a person, group or company requiring specialized knowledge, intensive academic or technical training and/or a high degree of expertise such as engineers, lawyers, programmers, accountants, financial advisors, appraisers, real estate specialists, urban planners and medical personnel.

PURCHASE ORDER — A purchaser's written document to a supplier formally stating all terms and conditions of a proposed transaction.

REQUEST FOR PROPOSALS — Any document utilized for soliciting proposals. Proposals are not publicly opened and prices can be negotiated.

SUPPLIES — All commodities, materials or equipment used in the daily operation of the City.

TOTAL PURCHASE — The mathematical extension and total of all items being purchased on a purchase order, contract or any other type of agreement.

USING DEPARTMENTS — Any board, commission or unit of the City Government using supplies or procuring contractual services as provided for in this Chapter and which shall be under the direction and/or control of the City Administrator or Board of Aldermen.

Section 150.020. Purpose.

[Ord. No. 1172 §1, 9-16-2008]

The purpose of this procurement policy is to provide a process for the fair and equitable treatment of all persons involved in public procurement with the City, to maximize the procurement value of public funds in procurement and to provide safeguards for maintaining a procurement system of quality and integrity.

Section 150.030. Application.

[Ord. No. 1172 §1, 9-16-2008]

This procurement policy shall apply to all contracts or commitments for the expenditure of any public funds under the City's control on or after the effective date of this policy, unless the parties agree to its application to contracts entered into prior to the effective date. It shall apply to each expenditure of public funds by the City regardless of their source. When the procurement involves the expenditure of Federal assistance or contract funds, the procurement shall be conducted in accordance with any applicable Federal laws and/or regulations, which have not been set out in this policy. Nothing in this policy shall prevent the City from

complying with the terms and conditions of any grant, gift or bequest which is otherwise consistent with the law.

Section 150.040. Administration.

[Ord. No. 1172 §1, 9-16-2008]

It shall be the responsibility of the City Administrator to direct the provisions of this procurement policy.

Section 150.050. Bidding.

[Ord. No. 1172 §1, 9-16-2008; Ord. No. 1206 §3, 8-17-2010]

A. *Bidding.* All purchases and contracts for supplies and contractual services, except for professional and engineering services, and all sales of personal property which has become obsolete and unusable shall, except as expressly provided in this Chapter, be based wherever possible on competitive bids with the following exceptions:

1. Motor fuel to operate City-owned vehicles and equipment;
2. Monthly power supply purchase;
3. Essential utility supply purchases;
4. Monthly insurance payments;
5. Bond payments.

B. *Formal Purchasing Procedures.* All supplies, services, equipment and projects, except as otherwise provided herein, when the extended cost thereof shall equal or exceed ten thousand dollars ($10,000.00) shall be purchased by formal written contract from the lowest responsible bidder, unless otherwise justified after due notice inviting proposals.

C. *Solicitation Of Bids.*

1. *Formal bids.* The City Administrator, or as delegated, shall, by certified or registered mail or in his/her discretion by first class mail or by electronic mail, solicit sealed bids from at least three (3) responsible prospective suppliers setting forth detailed specifications and all pertinent information necessary for the prospective supplier to file a bid or proposal. The invitation to bid will also be advertised in at least one (1) legal paper. The bid process should be approximately three (3) weeks or fifteen (15) working days from the first (1st) ad published. Prospective suppliers to whom invitations to bid are sent shall be limited to those who are part of the trade group offering commodities and services similar in character to that being purchased. If the City Administrator is unable to reasonably find three (3) responsible suppliers, he may deem the lesser number to be in compliance with the requirements of this Section. The provisions of this Section may be waived when the City Administrator determines that following this Section's provisions may cause excessive delay, public inconvenience and/or a significant cost penalty.

2. *Bond.* Every contract awarded for public works shall be accompanied by a payment/ performance bond with:

   a. Corporate surety licensed to do business in the State of Missouri; or

   b. Cash in the form of a cashier's check, conditioned upon the faithful performance of the contract of said work and payment of all subcontractors and suppliers.

      (1) For contracts over one hundred thousand dollars ($100,000.00) said bond shall be equal to at least the entire amount of money to be paid for such work. All public works contracts in excess of one hundred thousand dollars ($100,000.00) shall be bid requiring a five percent (5%) bid bond.

      (2) For public works contracts under one hundred thousand dollars ($100,000.00) the City shall require a cash bond in the form of a twenty percent (20%) retainage on all pay estimates requested by the contractor. The retainage bond shall be conditioned for the payment of any and all materials, labor, equipment, tools, insurance premiums or any other items connected with the work whether by subcontractor or otherwise. The City shall stipulate the ability to retain ten percent (10%) of the total money amount of the contract for up to one hundred eighty (180) days after the project is completed. When this retainage bond is used, the City shall require lien waivers for all work that is covered under a pay estimate.

      (3) *Manner of submission of bids — opening, recommendations to the Board.* Sealed bids or proposals shall be submitted to the City Clerk and shall be identified as to the bid involved on the envelope. The bids shall be opened in public at the time and place stated in the invitation to bid and in any public notices. After the opening, the City Administrator shall review and file a report to the Board of Aldermen with a recommendation and justification. The City Administrator will process the bid in accordance with Section 150.070: Approval.

      (4) *Award of contract to bidder.* The City shall award the contract to the "best" bid, not necessarily the lowest bid and shall have the right to reject any and all bids. When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared and forwarded to the City Administrator for approval and processing. This statement will be filed with the bid documents. When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be attached to the purchase order and approved by the Board of Aldermen.

      (5) *Factors for determination of best bid.*

(a) Cost to the City.

(b) The ability, capacity and skill of the bidder to perform the contract or provide the services required.

(c) Whether the bidder can perform the contract or provide the services within the time specified without delay or interference.

(d) The character, integrity, responsibility, judgment, experience and efficiency of the bidder.

(e) Whether the bidder is in default on the payment of taxes, licenses or monies due the City, this factor alone shall justify disqualification.

(f) The quality and performance of previous contracts or services.

(g) The previous and existing compliance by the bidder with laws, provisions of the ordinance and any other City ordinances relating to the contract or service.

(h) The quality, availability and adaptability of the supplies or contractual services to the use required.

(i) Local business preference.

(j) State and United States preference.

(k) That all taxes or other monies billed by the City are paid in full and that all licenses required by the City are in proper order.

(l) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

(6) *Informal purchasing procedures.* All purchases of supplies and personal services over one thousand dollars ($1,000.00) and less than ten thousand dollars ($10,000.00) shall be made upon the basis of at least two (2) quotes from two (2) prospective suppliers. The department head requesting the services or materials will solicit bids by direct mail, electronic media or telephone and receive the bids either by direct mail, electronic media or via fax. All bids will be recorded and attached to the purchase request at time of submittal to the City Administrator.

(7) *Open market procedure.* Purchase of supplies and contractual services of one thousand dollars ($1,000.00) or less can be made on the open market without bids or proposals subject to the procedures of Section 150.070. Departments shall always strive to maximize value and to minimize costs when making these purchases.

(8) The bidding process may be waived for the purpose of purchasing goods and services for the following situations:

(a) Where bids, contracts or cooperative purchasing agreements are established.

(b) Where professional services of a specialized nature are required.

(c) There exists only a sole supplier.

(d) Where the standardization of parts and replacement is absolutely necessary.

(e) Where ensuring compatibility with existing City equipment is in the best interest of the City.

(f) In case of emergency.

(g) For other reasons as deemed necessary by the City Administrator.

(9) *Emergency purchasing procedures.* An emergency exists when there is a threat to the public health, safety or welfare or when immediate expenditure is necessary for repairs to City property in order to protect against further loss of or damage to City property, to prevent or minimize serious disruption in City services or to ensure the integrity of City records.

(a) To the extent practical under the circumstances, emergency procurements should be competitively bid by obtaining quotations via telephone or facsimile.

(b) Any and all procurements requested under this Section must be submitted in writing for the City Administrator's prior approval.

(c) If the emergency procurement exceeds the budget appropriation, an ordinance to appropriate the funds must be submitted to the Board of Aldermen as soon as is practical, given the nature of the emergency, but in no case more than thirty (30) days after initiating the emergency procurement.

(d) Procurements will not be considered an emergency due to lack of appropriate planning on the part of department or City personnel.

(10) *Single source purchasing.* The requirement of competitive bids or proposals for supplies may be waived when the City Administrator has determined that there is only a single feasible source for the procurement. A single source exists when:

(a) Supplies are proprietary and only available from the manufacturer or a single distributor.

(b) Based on past procurement experience, it is determined that only one (1) distributor serves our region.

(c) Supplies are available at a discount from a single distributor for a limited period of time.

(d) In order to match or fit with equipment already on hand.

(11) *Authority to engage in cooperative purchasing.* The City Administrator shall have the authority to join with other unit's cooperative agencies in cooperative purchasing when it would serve the best interests of the City and after the approval of the Board of Aldermen. When engaged in cooperative purchasing, i.e., State of Missouri, General Services Administration, in which case bidding has already been done by another agency, the requirement of competitive bids or proposals may be waived.

Section 150.060. Prohibition Against Splitting of Procurements.

[Ord. No. 1172 §1, 9-16-2008]

No proposed procurement shall be artificially divided, delayed or scheduled in such a fashion so as to avoid bidding or in any way circumvent the requirements of this policy.

Section 150.070. Approval.

[Ord. No. 1172 §1, 9-16-2008; Ord. No. 1206 §§1 — 2, 8-17-2010]

A. A person desiring to order a supply, equipment or service shall initiate the procedure by filling out a purchase order requisition, providing the vendor's name, address, the quantity, the description and the cost of the item or items being ordered. The requisition shall be submitted to the City Administrator for approval.

1. The City Administrator may approve the purchase of budgeted operating supplies up to three thousand dollars ($3,000.00). In the absence of the City Administrator, the City Clerk shall have the authority to approve such purchases. In the absence of both the City Administrator and City Clerk, the Mayor shall have the authority to approve such purchases.

2. The Board of Aldermen shall pre-authorize all capital expenditures either through the approval of the budget or by motion in a Board of Aldermen meeting before the purchasing process will begin. The City Administrator may approve the actual purchase of budgeted capital equipment and capital projects if the purchase does not exceed ten thousand dollars ($10,000.00). All purchases of capital equipment and capital projects over ten thousand dollars ($10,000.00) shall require the final approval of the Board of Aldermen before the acquisition is made. The department head will make a written recommendation to the City Administrator before any capital expenditure is approved. The City Administrator will be responsible that any cost-sharing agreements, easements, construction plans or permits that are necessary are in place.

3. *Contractual services.* The Mayor or City Administrator if authorized by resolution will approve and sign all agreements for contractual services pursuant to

authorization by the Board of Aldermen and the contracts will be filed with the City Clerk.

4. *Professional services.* Contracts for professional services shall require authorization and approval by the Board of Aldermen. A contract, signed by the Mayor or City Administrator if authorized by resolution pursuant to authorization by the Board of Aldermen, shall be filed with the City Clerk and a purchase order for encumbrance of funds approved by the City Administrator before work commences.

5. All other purchases or contracts not included above shall require Board of Aldermen approval. The Mayor or the City Administrator may authorize a phone poll of the Board of Aldermen if deemed necessary. This poll will be conducted by the City Clerk or the City Administrator, or their respective delegates, and in accordance with the Sunshine Laws of the State of Missouri.

6. Change orders to a non-capital, existing purchase order or contract will follow the same approval guidelines as regular purchases with the new total not exceeding their respective authorization levels.

7. *Change orders for capital project.* Projects within contract budget and/or a pre-approved contingency may be approved as long as no line item change exceeds ten percent (10%) of that line item, not to exceed three thousand dollars ($3,000.00). Example: One million dollar ($1,000,000.00) line item — three thousand dollar ($3,000.00) change. Twenty-five thousand dollar ($25,000.00) line item — three thousand dollar ($3,000.00) change. The approval requires the City Administrator. Anything exceeding three thousand dollars ($3,000.00) will require approval of the Board of Aldermen.

8. *Purchases by individual members of the Board of Aldermen.* All purchases shall be approved by the Board of Aldermen prior to the purchase. The request for the authorized purchase shall be submitted to the City Administrator for implementation of the purchase order. In situations where the purchase is necessary prior to a Board meeting, the City Administrator is authorized to make the transaction per this Section.

Section 150.080. Authorizations.

[Ord. No. 1172 §1, 9-16-2008]

Authorization shall be the person in the described position or the person delegated by that position in their absence or non-availability, either by written authorization or the chain of command, as presented in the personnel organization chart contained in the Employee Manual.

Section 150.090. Transfers.

[Ord. No. 1172 §1, 9-16-2008]

A. The City Administrator may make transfers within a department's budget within a class or group (personnel, services, supplies, maintenance, capital items).

B. The City Administrator shall have the authority to make transfers from one class to another (personnel to capital) up to three thousand dollars ($3,000.00). Over three thousand dollars ($3,000.00) shall require Board of Aldermen approval.

C. The City Administrator shall be authorized to make administrative transfers to correct accounting procedures such as classification errors.

Section 150.100. Petty Cash.

[Ord. No. 1172 §1, 9-16-2008]

Pre-approved petty cash purchases shall be limited to forty dollars ($40.00). All reimbursements shall be submitted to the City Clerk or City Administrator and will be made by check rather than from petty cash.

Section 150.110. Sale of Equipment or Property.

[Ord. No. 1172 §1, 9-16-2008]

A. All sales of real and personal property that have become obsolete and unusable and have an estimated value of five hundred dollars ($500.00) or more will be declared as surplus property by the Board of Aldermen and shall be sold:

   1. By using the formal bid method as described in the purchasing procedures and awarded to the highest responsible bidder, or

   2. By holding a public auction that has been advertised a minimum of two (2) times, at least once in a legal newspaper. The property will be awarded to the highest bidder meeting the criteria of the auction.

B. The City may dispose of used equipment by trading it in on new purchases. In this case the net cost of the new equipment less the trade in will be used in the comparison of bids.

C. The Board of Aldermen may declare items of City property as surplus in which case these items may be offered to another governmental or tax supported agency at lower than market value.

D. Items under five hundred dollars ($500.00) may be declared as surplus by the City Administrator and discarded in the most efficient method available depending on condition, salvage value, useful life remaining and other pertinent factors.

Section 150.120. Board of Aldermen.

[Ord. No. 1172 §1, 9-16-2008]

The Board of Aldermen in its sole and absolute discretion may waive any and all aforementioned procedural requirements.

Section 150.130. Policy and Procedure for the Procurement of Qualification-Based Professional Services.

[Ord. No. 1172 §1, 9-16-2008]

A. *"Professional services"* shall mean those services of a vocation requiring specialized knowledge and intensive academic or technical training in such fields as law, finance, engineering, planning, real estate, computer sciences and other type fields.

1. *Contracts over ten thousand dollars ($10,000.00).*

a. The City Administrator will solicit proposals from qualified service providers, review the proposals, narrow the field of prospects, request detailed proposals, interview the providers and make a recommendation to the Board of Aldermen.

b. Factors to be considered in determining the best proposal shall include experience and technical competence, previous performance, ability to meet schedules, community relations and sensitivity to citizens' concerns and the proximity to and familiarity with the area.

c. When detailed proposals are requested, they should include, at a minimum, the project name, the name and address of the firm, related experience, any subcontractors or outside firms or personnel to be used, a resume of key persons involved, any special related experience, any other work previously done or currently being performed for the City, a description of resources to be used and an estimation of hours and time of completion.

d. The City Administrator will negotiate a contract with the firm selected and report to the Board of Aldermen for acceptance or termination of negotiations. If a contract cannot be negotiated, the Board will then select their next choice and an agreement will be negotiated with that firm.

e. When in the determination of the City Administrator, because of the nature of the services desired, there is only a sole provider of the service that will be in the best interest of the City, the City Administrator may recommend the person or firm to the Board of Aldermen for approval, thus waiving this procedure.

2. *Contracts less than ten thousand dollars ($10,000.00) and over two thousand nine hundred ninety-nine dollars ($2,999.00).* Written proposals shall be required by direct mail. The City Administrator shall review the proposals and make a recommendation to the Board of Aldermen following the guidelines in Subsection (1) of this Section.

3. *Contracts less than three thousand dollars ($3,000.00).* Services for projects three thousand dollars ($3,000.00) or less will be at the direction of the City Administrator for approval.

4. *Contingent fees.*

   a. Every contract entered into for professional services by the City shall contain a prohibition against contingent fees as follows:

      (1) The architect, engineer or service provider warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for such firm or company, for the purpose to solicit or secure any agreement with the City or by providing any fee, commission, percentage, gift or any other consideration, contingent upon or resulting from the award of this agreement.

   b. For the breach or violation of the foregoing provision, the Board of Aldermen shall have the right to terminate the agreement without liability and at its discretion to deduct from the contract price or otherwise recover the full amount of such fee, commission, percentage, gift or consideration.

Section 150.140. Conflict of Interest — City Purchases.

[Ord. No. 1172 §1, 9-16-2008]

A. *Prohibition Of Interest.* Any City Officer or employee who has a substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the City or in the sale of any land, material, supplies or services to the City or to a contractor supplying the City, shall make known that interest and shall refrain from voting upon or otherwise participating in the making of such a contract or sale. Violation of this Section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the City shall render the contract null and void by the Board of Aldermen. In addition to the above, no elected or appointed official or employee of the City of Lathrop shall:

   1. Sell, rent or lease any property to the political subdivision or any agency of the political subdivision for the consideration in excess of five hundred dollars ($500.00) per annum, unless the transaction is made pursuant to an award of a contract let or a sale made after public notice and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.

   2. Perform any service for the City of Lathrop, Missouri, for any consideration in excess of five hundred dollars ($500.00) per annum unless the transaction is made pursuant to an award on a contract let, after public notice and competitive bidding, provided that the bid or offer accepted is the lowest received.

B. *Officers And Employees Not To Deal With Certain Entities.* No officer or employee of this City shall enter into any private business transaction with any person or entity that has a matter pending or to be pending upon which the officer or employee is or will be

called upon to render a decision or pass judgment. If any officer or employee is already engaged in the business transaction at the time that a matter arises, he/she shall be disqualified from rendering any decision or passing any judgment upon the same.

C. *Penalties.* Any person who violates the provisions of this Section, upon conviction thereof, shall be subject to the disciplinary procedures defined in the City of Lathrop Employee and Policy Manual.

D. *Gifts And Rebates.* The City Administrator and every other officer and employee of the City are expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase order or contract is or might be awarded any rebate, gift, money or object which could be construed as such, except where given for the use and benefit of the City. Any gifts that are offered as rewards for purchases are the property of the City and shall remain with the City. Occasional meals where business is discussed or conducted are exempt from the above policy.

Section 150.150. Local Purchasing Preference Policy.

[Ord. No. 1172 §1, 9-16-2008]

A. If a local bidder is within two percent (2%) of the lowest bid from and out-of-town bidder on a construction or other formally bid project from five thousand dollars ($5,000.00) up to one million dollars ($1,000,000.00) and within one percent (1%) on such projects from one million one dollars ($1,000,001.00) up to five million dollars ($5,000,000.00), then the local bidder will be awarded the bid unless otherwise provided in this Section 150.150.

B. The local purchase preference policy shall not apply in the following instances:

1. When purchases and/or contracts are funded in whole or in part by Federal funds;

2. When purchases are less than ten thousand dollars ($10,000.00) or more than five million dollars ($5,000,000.00);

3. When purchases are not required to be formally bid, such as sole source procurements, emergency procurements and any other procurements as defined in the City procurement policy or the City emergency management policy;

4. When professional services are procured through the issuance of requests for qualifications and/or requests for proposals, including design-build contracts; or

5. When such preference is in conflict with any applicable State or Federal laws, rules or regulations.

C. *"Local"* is defined as a business operating within the corporate limits of the City of Lathrop with the majority of its primary business operations, including, but not limited to, production, operation, purchasing, billing, marketing, management, administration and ownership, occurring within the City limits. "Local" shall not include the following:

1. Those businesses with only a local Lathrop post office box; or

2. Those businesses with a sales presence in the City, but no physical business location within the City limits; or

3. Home-based businesses that merely take orders for products shipped from out-of-town to their customers.

Exceptions will be considered on a case-by-case basis when a written request is submitted to the City Administrator.

D. Notwithstanding the foregoing, the local bidder must otherwise meet all qualifications and procurement policy requirements of the City, including, but not limited to, the "best bid" requirements, in order to be awarded a bid under this Section.

Section 150.160. Missouri and United States Products.

[Ord. No. 1172 §1, 9-16-2008]

A. All requests for bids and proposals for supplies to be purchased shall be made in general terms and by general specifications and not by brand, trade names or other individual mark, provided such article to be purchased can be definitely described without the designation of such brand, trade name or other individual mark. All such requests and bids shall contain therein a paragraph in easily legible print, reading as follows: "By virtue of statutory authority, a preference will be given to materials, products, supplies, provisions and all other articles produced, manufactured, made or grown within the State of Missouri."

B. In letting contracts for the performance of any job or service, the City shall give preference to all firms, corporations or individuals doing business as Missouri firms, corporations or individuals, or which maintain Missouri offices or places of business, when the quality of performance promised is equal or better and the price quote is the same or less.

C. Each contract for the purchase or lease of manufactured goods or commodities and each contract made for construction, alteration, repair or maintenance of any public works shall contain a provision that any manufactured goods or commodities used or supplied in the performance of that contract or any subcontract thereto shall be manufactured or produced in the United States. This Section shall not apply where the purchase, lease or contract involves an expenditure of less than twenty-five thousand dollars ($25,000.00). This Section shall not apply when only one (1) line of a particular good or product is manufactured or produced in the United States. This Section shall not apply when:

1. The specified products are not manufactured or produced in the United States in sufficient quantities to meet the City's requirements or cannot be manufactured or produced in the United States within the necessary time in sufficient quantities to meet the City's requirements;

2. Obtaining the specified products manufactured or produced in the United States would increase the cost of the contract by more than ten percent (10%).

D. Nothing in this Section is intended to contravene any existing treaty, law, agreement or regulation of the United States. All contracts under this Section shall be entered into in accordance with existing treaty, law, agreement or regulations of the United States including all treaties entered into between foreign countries and the United States regarding export-import restrictions and international trade and shall not be in violation of this Section to the extent of such accordance.

E. The City may not authorize, provide for or make any payment to any vendor or contractor upon any contract in violation of this Section. At time of bid and before the City authorizes, provides or makes payment to any vendor or contractor upon any contract to which this Section applies, the vendor or contractor shall provide proof of compliance with this Section. Any vendor or contractor who knowingly misrepresents any material fact concerning the origin of any manufactured goods or commodities shall be guilty of a Class A misdemeanor.

Section 150.170. Pre-Authorized Payments by City to Certain Vendors.

[Ord. No. 1172 §1, 9-16-2008]

A. Upon receipt of the bill or invoice from any entity which:

1. Shall supply utilities (including, but not limited to, electric, telephone and natural gas) and solid waste removal to the City of Lathrop; or

2. Shall supply employee insurance services (including, but not limited to, major medical, pharmacy, dental and life insurance); or

3. Issued general obligation or revenue bonds on behalf of the City.

B. The City shall pay said bill within the time required by the provider, but shall review said bill for accuracy and determine as to whether or not said bill is lawfully owed. If said bill or invoice is required to be paid in the reasonable and normal course of business before a lawfully constituted meeting of the Board of Aldermen is scheduled, the City Administrator shall be authorized to approve said bill for payment prior to official approval by the Board of Aldermen. However, the aforementioned bill and/or invoice and record of payment shall be presented to the Board of Aldermen at the time other monthly bills are presented — such presentment shall be for purposes of inspection and review. If the Board of Aldermen determines that said bill was in any way overpaid, then it shall order that a credit be taken on the next month's payment.

Chapter 200

POLICE DEPARTMENT

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Chief of Police

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Section 200.020. Responsibility for Government and Control of Police Officers — Rules and Regulations for Government and Control of Department.

Section 200.030. Responsibility for Enforcement of Laws and Ordinances, Preservation of Public Peace, Etc.

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Section 200.140. Major Case Squad.

ARTICLE I
Chief of Police

Section 200.010. Appointment — Term — Qualifications.

[Ord. No. 1173 §1, 10-7-2008; Ord. No. 1230 §1, 7-23-2012]

The Chief of Police shall be appointed by the Board of Aldermen and shall hold office until his/her successor shall be appointed and qualified. No person shall be appointed Chief of Police unless he/she is, at the time of his/her appointment, a citizen of the United States and unless he/she is a person of good moral character.

Section 200.020. Responsibility for Government and Control of Police Officers — Rules and Regulations for Government and Control of Department.

[Ord. No. 1173 §2, 10-7-2008; Ord. No. 1183 §5(a), 5-19-2009; Ord. No. 1218 §5(a), 5-17-2011]

The Chief of Police shall be held responsible for the government and discipline of all regular and special Police Officers. He/she shall, in the discharge of his/her duties, be subject to the orders of the City Administrator. He/she shall, in conjunction with the City Administrator, make such needful rules and regulations for the government and control of the Police Department as they may think best and proper.

Section 200.030. Responsibility for Enforcement of Laws and Ordinances, Preservation of Public Peace, Etc.

The Chief of Police will be held strictly responsible for the enforcement of this Code and other ordinances of the City and the laws of the State, the preservation of the public peace and the protection of life and property therein.

Section 200.040. Duties Generally.

A. It shall be the duty of the Chief of Police:

1. Diligently to inquire into and report to the Municipal Judge and to the City Attorney all violations of this Code and other City ordinances and to prosecute all persons guilty thereof.

2. To arrest and take into custody any person who shall be found in any public place within the City doing any act in violation of the law or this Code or other ordinances of the City, and for any offense being committed in his/her presence the Chief of Police may arrest such offender without a warrant.

3. To cause to be abated or removed, in the manner provided by law, any nuisance found within the City and declared to be such by the Board of Aldermen as provided in this Code or other ordinance.

4. To execute all orders or process issued by the Mayor or Municipal Judge and make a proper return thereof, according to law.

5. To keep a correct account of all money which may come into his/her hands as Chief of Police, from whatsoever source, stating by whom and on what account the same was paid.

6. To attend the Municipal Court when in session, either in person or by deputy, preserve order therein and execute all process and orders of the same.

ARTICLE II
Special Police

Section 200.050. Special Police Established.

[Ord. No. 796 §1, 8-12-1986; Ord. No. 1173 §3, 10-7-2008; Ord. No. 1183 §5(b), 5-19-2009; Ord. No. 1218 §5(b,c), 5-17-2011]

A Special Auxiliary Police Force is hereby established, to be a volunteer organization, to serve without pay, composed of members separate and distinct from the Police Department of this City, but to be headed by the Chief of Police under the direction and supervision of the City Administrator.

Section 200.060. Special Police — Supervision.

[Ord. No. 796 §2, 8-12-1986]

The Chief of Police of this City shall have complete authority, control and command, subject to the provisions of this Article over the Special Auxiliary Police Force. He/she /she may appoint as members thereof any persons he/she may deem to be qualified, and may reject any application for membership. He/she may provide for the training of candidates for membership, and for the further training of members.

Section 200.070. Membership.

[Ord. No. 796 §3, 8-12-1986]

No person shall be deemed a member of the Auxiliary Police Force until he/she has been registered as such in a roster to be kept by the Chief of Police, and until he/she has taken his/her oath that he/she will observe and obey the Constitution of the United States, the Constitution of this State, and the laws of this nation, State and City, and that he/she will carry out the duties of a member of the Special Auxiliary Police Force of this City to the best of his/her ability.

Section 200.080. Duties.

[Ord. No. 796 §4, 8-12-1986; Ord. No. 1173 §4, 10-7-2008; Ord. No. 1183 §5(c), 5-19-2009; Ord. No. 1218 §5(a), 5-17-2011]

A. The Chief of Police and the City Administrator when by them deemed necessary, shall have power to appoint, subject to the approval of the Board of Aldermen, one (1) or more Special Policemen to serve for a length of time to be named in the appointment, and such Special Policemen shall take the same oath as other officers of the City, and shall have and exercise the powers, duties and privileges of regular Policemen, and shall be subject to the same regulations, and the Chief of Police shall be responsible on his/her bond for the faithful performance of their duties as required by law.

B. The appointment shall be signed by both the Mayor and the Chief of Police.

Section 200.090. Termination of Membership.

[Ord. No. 796 §5, 8-12-1986]

The membership of any person may be terminated by the Chief of Police at any time, and any member may resign from the Special Auxiliary Police Force at any time, but it shall be his/her duty to notify the Chief of Police of his/her resignation.

Section 200.100. Weapons.

[Ord. No. 796 §6, 8-12-1986]

No member of the Special Auxiliary Police Force shall while on duty carry or use any firearm or other weapon except upon the express written order of the Chief of Police. Those members authorized to carry firearms shall be NRA qualified.

Section 200.110. Forced Entry.

[Ord. No. 796 §7, 8-12-1986]

No member of the Special Auxiliary Police Force shall break into or otherwise forcibly enter upon any private property or enter the dwelling or habitation of another without the consent of the owner or occupant, except when immediately accompanied by a regular member of the Police Department of this City who then and there requests his/her aid in the enforcement of the law.

Section 200.120. Violation of Law or Duty.

[Ord. No. 796 §8, 8-12-1986]

In addition to the penalties provided by law, any violation of law under color of the performance of his/her duties as a member of the Auxiliary Police Force, and any breach of the rules and regulations established by the Chief of Police shall subject any member to summary expulsion and the fact thereof may be published at the order of the Chief of Police.

Section 200.130. False Use of Insignia.

[Ord. No. 796 §9, 8-12-1986]

It shall be a misdemeanor punishable by imprisonment not to exceed three (3) months, or by a fine not to exceed three hundred dollars ($300.00), or both, for any person to wear, carry or display a Special Auxiliary Police identification card or insignia or otherwise deceitfully represent himself/herself to be connected with the Force, unless he/she is in fact a member thereof.

ARTICLE III
Major Case Squad

Section 200.140. Major Case Squad.

[Ord. No. 947 §§1 — 2, 8-11-1998]

A. The City of Lathrop hereby agrees to enter into an Emergency Major Case/Police Services Agreement with the Clinton County Sheriff's office. A copy of such Emergency Major Case/Police Services Agreement is on file in the City offices and incorporated herein by reference.

B. The Mayor for the City of Lathrop is hereby authorized to execute such Emergency Major Case/Police Services Agreement on behalf of the City of Lathrop.

Chapter 205

ANIMAL REGULATIONS

Section 205.010. Definitions.

Section 205.020. Care and Treatment of Animals by Owners or Custodians.

Section 205.030. Keeping of Wild Animals.

Section 205.035. Keeping of Service and Assistance Animals.

Section 205.040. Number of Animals Allowed per Residence.

Section 205.050. City Clerk to Procure Licenses.

Section 205.060. City to Collect License Fee on Dogs, Cats or Domestic Others.

Section 205.070. Licenses Due Annually on July First.

Section 205.080. Certificate of Immunization Required.

Section 205.090. License Fee and Receipt.

Section 205.100. License Tag Display and Registration Requirements.

Section 205.110. Restraint.

Section 205.120. Barking Dogs.

Section 205.130. Impounding.

Section 205.140. Redemption of Non-Rabid Impounded Animals.

Section 205.150. Confinement of Rabid Animals — Impoundment of Biting Animals.

Section 205.160. Notification of Destruction and Other Information Concerning Rabid Animals — Authority of Impounding Officer to Destroy Certain Animals.

Section 205.170. Dangerous Animals and the Disposal Thereof.

Section 205.180. Exemption to Dangerous Animal Classification.

Section 205.190. Actions Taken When Dangerous Animals Cause Severe or Fatal Injuries.

Section 205.200. Guard Dogs.

Section 205.210. Right of Entry of Enforcement Officials.

Section 205.220. Interference With Enforcement Officials.

Section 205.230. Actions Taken After Bite.

Section 205.240. Animal Neglect and Abandonment.

Section 205.250. Animal Abuse.

Section 205.260. Impoundment of Neglected, Abandoned or Abused Animal.

Section 205.270. Fines.

Editor's Note — Ord. no. 1062, adopted February 18, 2003, supersedes chapter 205: Animal Regulations, enacting the new provisions set out herein. Former chapter 205 derived from ord. no. 577 §§1 — 21, 5-20-68; ord. no. 816 §§1 — 2, 8-8-87; ord. no. 939 §§1 — 3, 6-9-98 and ord. no. 994 §1, 6-13-00.

Section 205.010. Definitions.

[Ord. No. 1062 §1, 2-18-2003; Ord. No. 1080 §1, 5-18-2004]

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

ADEQUATE CARE — Normal and 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.

ADEQUATE CONTROL — To reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal or property.

ANIMAL — Every living vertebrate except a human being.

CAT — Any male or female member of the domestic feline family.

DANGEROUS ANIMAL — Any animal with the following characteristics shall be classified as dangerous. For items two (2) through seven (7), the Police Department or designated agent shall use the facts provided separately or in combination to declare any animal dangerous.

1. Any animal that has inflicted a severe or fatal injury on a human on public or private property. The victim receiving severe injuries must provide the Police Department a signed physician's statement, documenting the injury and treatment qualifying such as a severe injury or sign an authorization for the release of such statement.

2. Any animal that has killed or injured a domestic animal, livestock or poultry, without provocation, while off the owner's property.

3. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

4. Any animal that has bitten a human being, without provocation, on public or private property other than the owner's.

5. Any animal that, while on the owner's property, has bitten, without provocation, a human being other than the owner or a member of the owner's family who normally resides at the place where the animal is kept.

6. Any animal that, when provoked, chases or approaches a person upon the streets, sidewalks, or other public grounds or private property, other than that of the owner, in a menacing fashion or apparent attitudes of attack, regardless of whether or not a person is injured by said animal.

7. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.

8. Any pit bull dog. Pit bull dog is defined to mean:

    a. The bull terrier breed of dog;

    b. Staffordshire bull terrier breed of dog;

c. The American pit bull terrier breed of dog;

d. The American Staffordshire terrier breed of dog;

e. Dogs of mixed breed or of other breeds than listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers;

f. Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

DOG — Any male or female member of the domestic canine family.

DOMESTIC OTHER — Consists of but not confined to pot bellied pigs, ferrets, hedge hogs and other domestic animals that may be allowed as pets by the City of Lathrop.

HARBOR — To feed or shelter an animal at the same location for three (3) or more consecutive days.

OWNER — Any person who keeps or harbors an animal or professes to be owning, keeping or harboring an animal.

Section 205.020. Care and Treatment of Animals by Owners or Custodians.

[Ord. No. 1062 §2, 2-18-2003]

A. No owner shall intentionally or purposely kill dogs, cats and wild animals in any manner except humane euthanasia performed by a licensed veterinarian.

B. No person shall give away any live animal, reptile or bird as:

1. A prize for, or as an inducement to enter any contest, game or other competition;

2. As an inducement to enter a place of amusement;

3. An offer of such vertebrates as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

C. Any person who, as the operator of a motor vehicle, strikes a dog, cat or domestic other shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to the local Police Department.

D. Any person having physical possession and control of any animal, whether on their property, someone else's property, or in a public place, including, but not limited to, streets, sidewalks, parking lots and public parks, shall remove fecal matter deposited by the animal.

Section 205.030. Keeping of Wild Animals.

[Ord. No. 1062 §3, 2-18-2003]

No person shall keep or permit to keep any wild animal as a pet.

Section 205.035. Keeping of Service and Assistance Animals.

[Ord. No. 1235 §1, 10-23-2012]

Notwithstanding the foregoing provisions of this Chapter, residents may harbor no more than two (2) animals qualifying either as "service animals" under the Americans with Disabilities Act, 42 U.S.C. Sections 12111 et seq., or as a necessary assistance animal under the reasonable accommodations provisions of the Fair Housing Act, 42 U.S.C. Sections 3601 et seq., or Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794. All animals qualifying under this Section shall be considered "domestic others" under this Chapter 205, and must comply with all the other licensing provisions contained therein.

Section 205.040. Number of Animals Allowed per Residence.

[Ord. No. 1062 §4, 2-18-2003]

A resident may have up to a total of four (4) animals such as dogs, cats or domestic others over the age of six (6) months.

Section 205.050. City Clerk to Procure Licenses.

[Ord. No. 1062 §5, 2-18-2003]

The City Clerk shall assure that, on or before the month of May of each year, a supply of metallic tags is available. The metallic tags shall have on them the calendar year in figures, which characters shall signify that the City license fee is paid, for the fiscal year beginning in the calendar year indicated.

Section 205.060. City to Collect License Fee on Dogs, Cats or Domestic Others.

[Ord. No. 1062 §6, 2-18-2003]

The City shall keep a list of persons paying such license fee, noting the date, amount of payment, and for which animals the tags are registered.

Section 205.070. Licenses Due Annually on July First.

[Ord. No. 1062 §7, 2-18-2003]

City licenses shall be due and payable on the first (1st) day of July of each year; provided however, that if any person shall become the owner or keeper of any dog, cat or domestic other after the month of July of any year such person shall pay the same fee for the remainder of the year ending July first (1st), following, as if such animal has been in the City on the preceding July, and such animal shall be fully subjected to the provisions of this Chapter.

Section 205.080. Certificate of Immunization Required.

[Ord. No. 1062 §8, 2-18-2003]

Before the City shall issue any license or tag for a dog, cat or domestic other, the owner or keeper of such animal shall file with the City, a certificate from a licensed veterinarian showing that the animal has been effectively immunized against rabies during the period for which the license is being issued, provided that no immunization certificate shall be effective for more than three (3) years after the date of its issuance.

Section 205.090. License Fee and Receipt.

[Ord. No. 1062 §9, 2-18-2003]

For the issuance of each license herein provided, every dog, cat or domestic other owner or keeper shall pay to the City five dollars ($5.00) for each male dog, cat or domestic other that has been neutered and five dollars ($5.00) for each female dog, cat or domestic other that has been spayed or ten dollars ($10.00) for any dog, cat or domestic other that has not been spayed or neutered. The receipt issued for such license shall constitute a certificate of registry for keeping such dog, cat or domestic other within the City of Lathrop, Missouri.

Section 205.100. License Tag Display and Registration Requirements.

[Ord. No. 1062 §10, 2-18-2003]

A. Every person who is responsible for any puppy or kitten or domestic other shall have such puppy or kitten or domestic other vaccinated by a veterinarian against rabies and registered with the City when or before the puppy or kitten or domestic other reaches six (6) months of age, but not before it reaches three (3) months of age.

B. Every person who owns, controls, manages, possesses any dog, cat or domestic other or who permits a dog, cat or domestic other to come or remain in or about any home, place, business or other premises owned or controlled by such person shall purchase an identification tag with the animal's name, owner's name, address, area code and phone number and fasten it securely to the collar or harness of the animal. A rabies tag shall also be considered an identification tag if it is issued by a licensed veterinarian. Every cat, dog, domestic other, puppy and kitten shall be vaccinated by a veterinarian and issued a tag and registration to expire no later than the period the anti-rabies vaccine is effective. No cat, dog or ferret shall be exempted from this Chapter due to advanced age. Domestic others are required to have anti-rabies vaccinations if there is a commercial vaccine available for that species.

C. The license tag shall be attached to the leather or nylon collar or harness and shall be worn at all times. License tags shall be changed whenever an updated anti-rabies vaccine is given, and the new license tag shall be exchanged on the collar or harness for the old one. Should the current tag become lost or defaced, a replacement metallic tag shall be furnished by the City to any such owner or keeper upon the payment of one dollar ($1.00) thereof.

D. The license tag shall be clearly stamped with the year in which the anti-rabies vaccine was given to the animal and a figure indicating the number of the entry on the animal register.

E. Any new resident of the City of Lathrop shall register his/her animal(s) and procure a license tag for each within thirty (30) days of occupancy.

Section 205.110. Restraint.

[Ord. No. 1062 §11, 2-18-2003]

A. All owners shall prevent their animals from being "at large".

B. No owner shall fail to exercise proper care and control of his/her animals to prevent them from becoming a public nuisance. "Public nuisance" includes molesting passersby or passing vehicles; attacking other animals; trespassing on school grounds; damaging private or public property; barking, whining or howling in an excessive, continuous or untimely fashion.

C. Every female dog, cat or domestic other in heat shall be confined in a building or secure enclosure in a manner to ensure that such female cannot come into contact with another animal except for a planned breeding.

D. Every dangerous animal, as determine by the Lathrop Police Department, shall be confined by the owner within a building or secure enclosure with a lock on the entrance to such enclosure and shall be securely muzzled or caged whenever off of the premises of the owner. When muzzled on a leash, the leash shall be no longer than four (4) feet. No dangerous animal may be kept on a porch, patio, deck or in any part of a house or structure when screen windows or doors are the only obstacle preventing the animal from exiting the house or structure. The owner shall display signs visible to the access roadways on his/her premises stating that there is a dangerous animal on the property. The signs shall be at least eight (8) inches by ten (10) inches but not more than four (4) square feet.

E. The City of Lathrop will allow the electronic containment system commonly known as the "invisible fence" to be used as a restraint system for animals. No dangerous animal shall be kept in such an enclosure as a primary restraint. The invisible fence may be used as a secondary restraint in addition to a visible primary enclosure. This system is permitted on any lot or paved area so long as it does not extend beyond the front building line and if all maintenance requirements to keep the invisible fence in good working condition are met. On occasion, depending on location, sign(s) may be necessary to indicate that the animal on the property is restrained by an invisible fence. The need for such sign(s) will be determined by the Police Department and shall be no smaller than eight (8) inches by ten (10) inches but no more than four (4) square feet.

F. These restraints do not apply to animals while being used for lawful hunting, field trials, water retrieving, dog shows, tracking in conjunction with Police activities or of the canine corps of any Police force in Missouri, any Federal law enforcement agency or the Armed Forces of the United States while being used to conduct official business or

official purposes. The Police Department shall allow a special situation if requested in writing and upon proof of adequate control.

G. The Police Department shall remove any animal from the City when notified that the animal was required to leave a prior venue due to aggressive, dangerous or bite behavior.

H. Any owner of an animal found in violation of Subsection (B) of this Section may be required to attend with such animal an obedience or training class as designated by the Municipal Court in addition to any other penalties set forth in this Chapter.

Section 205.120. Barking Dogs.

[Ord. No. 1062 §12, 2-18-2003]

A. No person shall keep or harbor upon their premises any dog that by frequent and habitual barking, yelping, howling or whining causes fear or annoyance to the person or persons living in the immediate area.

1. *First (1st) offense.* A written warning advising such person of a complaint shall be served by the Police Department. If the owner does not voluntarily, immediately and continually thereafter utilize a no bark collar on the dog or contain the dog within an enclosed structure (for example, a home or garage) to muffle the barking, yelping, howling or whining, a summons to appear in court will be issued.

2. *Second (2nd) offense and succeeding offenses.* A summons shall be issued for a violation of City ordinances punishable in accordance with the laws of this City. Upon conviction thereof, the Municipal Court may require mandatory containment of the animal in an enclosed structure (for example, house or garage).

Section 205.130. Impounding.

[Ord. No. 1062 §13, 2-18-2003]

A. The impounding officer, Police Officer or any person designated by the City Administrator shall have the power to catch, confine and impound the following dogs, cats, domestic others or any other animal.

1. All dogs, cats, domestic others or any other animal which are required to have licenses and which are without licenses displayed in the manner provided for in this Chapter. All dogs, cats and domestic other animals off the owner's property and not securely leashed.

2. All female dogs, cats and domestic other animals, licensed or unlicensed, not securely confined in an enclosed place while in heat.

3. All dogs, cats or domestic others infected with rabies, including dogs, cats or domestic others known to have been bitten by a suspected rabid animal, regardless of whether such dogs, cats or domestic others are at large or on leashes, licensed or unlicensed.

4. All dogs, cats or domestic others that have been deemed as dangerous by the City.

5. All dogs, cats or domestic others that have been determined to be an acute health risk.

Section 205.140. Redemption of Non-Rabid Impounded Animals.

[Ord. No. 1062 §14, 2-18-2003]

A. Any dog, cat or domestic other captured and impounded as authorized by this Chapter and determined not to be infected with rabies may be redeemed by the owner or other person having the right of possession of such animal upon presentation of proper City license including rabies inoculation certificate. The person redeeming the animal shall pay any expense of taking, impounding and keeping said animal. If the animal is not redeemed in the manner provided in this Section within five (5) days, excluding Sundays and City holidays, after its capture, such animal shall be humanely killed. Exceptions consist of:

1. Bite cases which are held ten (10) calendar days.

2. Dogs, cats or domestic others which are bearing registration tags or bearing identification of ownership shall be held ten (10) days after the owner has been notified, unless it is claimed sooner by the owner or the responsible person. The Lathrop Police Department shall make reasonable efforts within twenty-four (24) hours (not including weekends and holidays) of impoundment to notify the owner and, if unsuccessful, shall send the owner written notice by certified mail within forty-eight (48) hours of impoundment. The written notice shall include the date by which the owner must redeem the impounded animal and state the fees payable pursuant to this Chapter prior to release. Once written notice is sent, the impounded animal shall be held until the certified mail receipt is received from the United States Postal Service. Any impounded animal unclaimed after ten (10) days shall be placed for adoption or humanely destroyed, but no animal shall be placed for adoption if suspected of rabies, exposed to rabies, or known to have bitten or scratched any person or animal.

B. If the release of an impounded animal does not impair the safety of the public, the animal may be returned to the owner or put up for public adoption, subject to the adoption fee which may include the cost of micro-chipping and any other fees and regulations pertaining to said adoptions.

Section 205.150. Confinement of Rabid Animals — Impoundment of Biting Animals.

[Ord. No. 1062 §15, 2-18-2003]

A. No person owning or having custody or control of any dog, cat or domestic other in contact with a possibly rabid animal shall permit such dog, cat or domestic other to be upon any street, alley, public place or private property within the City other than the property of the owner or custodian of said animal and only if such dog, cat or domestic other is so confined as to prevent it straying from the premises. All animals under

impoundment cannot be vaccinated or revaccinated for rabies until after their ten (10) day impoundment period.

B. Any animal that is known to have been exposed to rabies shall be immediately destroyed unless the owner, at his/her expense, chooses one (1) of the following alternative methods (any impoundment shall be six (6) months in duration):

1. Strict isolation in a kennel or animal hospital.

2. Impounding and vaccination, if the animal is a dog, cat or domestic other not immunized by any vaccine within the vaccine's duration of immunity.

3. Restraint by leash at owner's home and revaccinated, if the dog, cat or domestic other has been immunized with an anti-rabies vaccine by a licensed veterinarian within such vaccine's duration of immunity.

4. The Police Department may deny the impoundment option stated in Subparagraphs (1, 2 and 3) above if it is felt the conditions are unfavorable for compliance in any individual case.

C. Every person owning or having custody or control of any dog, cat or domestic other which has bitten a person or other animal or which acts in a manner suggesting that it is or may be infected with rabies shall impound such dog, cat or domestic other in the facility designated by the Police Department for a period of ten (10) days for observation. If the dog, cat or domestic other is current on its anti-rabies vaccination and the person or guardian of the person who was bitten does not object, the quarantine may be done in the home of the owner who must follow strict quarantine guidelines such as the animal is not allowed outdoors off leash, not allowed to be in contact with any visitors or other animals and must reside indoors for the duration of the quarantine observation. If the owner fails to follow these guidelines, the Police Department shall impound said animal at the designated facility for the rest of the dog, cat or domestic other's quarantine at the owner's expense. If an animal or domestic other dies while under quarantine during the ten (10) days' impoundment regardless of location or cause of death, the head shall be removed and submitted for rabies testing. The owner shall be charged a handling fee for this service.

Section 205.160. Notification of Destruction and Other Information Concerning Rabid Animals — Authority of Impounding Officer to Destroy Certain Animals.

[Ord. No. 1062 §16, 2-18-2003]

A. In the event an animal is infected with rabies or suspected of being infected with rabies, the owner or custodian shall immediately notify the Police Department and shall provide them with all pertinent information respecting persons bitten, scratched or suspected of being bitten or scratched by said animal and respecting any other animals exposed to said animal.

B. The impounding official shall have the right to forthwith destroy any dog, cat or domestic other either in his/her custody or possession or at large and bears no evidence

of current immunization for rabies, having bitten or scratched any person within ten (10) days of its capture by the impounding officer.

C. Any person bitten or scratched by a wild animal shall consider that animal as rabid. A physician should be notified immediately. If caught the animal shall be sent for rabies testing, except all animals excluded by the Missouri Department of Health.

D. If it shall become necessary by the Police Department in protecting one's safety to shoot an animal with rabies or suspected of being infected with rabies, all precautions shall be taken not to destroy the head which must be sent to the appropriate State agency for analysis. A service fee will be charged for this activity.

Section 205.170. Dangerous Animals and the Disposal Thereof.

[Ord. No. 1062 §17, 2-18-2003; Ord. No. 1080 §2, 5-18-2004]

A. It shall be unlawful to keep, harbor, own or in any way possess within the City limits of the City of Lathrop, Missouri:

1. Any warm-blooded, carnivorous or omnivorous, wild or exotic animals (including, but not limited to, non-human primates, raccoons, skunks, foxes and wild exotic cats; but excluding fowl, ferrets, and small rodents of varieties used for laboratory purposes).

2. Any animal having poisonous bites.

3. Any pit bull dog as defined as a dangerous animal in Section 205.010.

B. The Police Department shall dispose of any animal found to be dangerous under the terms of this Chapter. The Police Department shall have the authority to impound any such animal and shall have the authority to require the owner of such animal to take necessary measures to dispose of any such animal having been deemed dangerous. They are further authorized to dispose of such animal if it is not done by the owner. This will be performed at the owner's expense. The Police Department is authorized to recover any costs for performing this or any service covered by this Chapter, either by fees set and paid for in advance or itemized billing.

Section 205.180. Exemption to Dangerous Animal Classification.

[Ord. No. 1062 §18, 2-18-2003]

A. No animal may be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other act upon the premises occupied by the owner or keeper of the animal, or was teasing, tormenting, abusing or assaulting the animal, or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal, or was committing or attempting to commit a crime.

B. A Police Officer may, because of extenuating circumstances, determine from the investigation of an incident that an animal is not dangerous. However, the owner being

responsible for said animal may be warned of the animal's tendencies and to take appropriate action to prevent subsequent incidents. This, however, does not exempt the owner from being cited for other animal control violations.

C. Dogs owned by government or law enforcement agencies when being used in the service of those agencies are exempt.

Section 205.190. Actions Taken When Dangerous Animals Cause Severe or Fatal Injuries.

[Ord. No. 1062 §19, 2-18-2003]

A. An animal responsible for an unprovoked, severe or fatal attack of a human or domestic animal shall be humanely destroyed if possible.

B. The following actions shall be required of owners of animals that have been declared dangerous animals:

1. Any dangerous animal that bites or scratches a human being, or any animal whose behavior immediately prior to or during an incident resulting in a human being bitten or scratched, which is determined to be dangerous, shall be impounded for a ten (10) day rabies quarantine at the City's designated holding facility or a veterinarian's clinic.

2. Any dangerous animal shall wear at all times a bright orange collar so the animal can be readily identified as a dangerous animal.

3. The owner or keeper shall notify the Police Department immediately if a dangerous animal is loose or missing or has attacked another animal or human being.

4. An animal may be declared dangerous for prior acts even if it has thereafter voluntarily left the City. Once an animal has been declared dangerous, it cannot return to the City.

5. While on the owner's property, a dangerous animal must be securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such a pen or structure must have a minimum dimension of five (5) feet by ten (10) feet, must have strong, secure sides and a secure top. If it has no bottom secured to the sides, the sides shall be embedded into the ground no less than twelve (12) inches. The enclosure shall also provide protection from the elements for the animal. The enclosure, when occupied by a dangerous animal, shall not be occupied by any other animal. If the dangerous animal is a female with young under three (3) months of age, the young may occupy the same enclosure as the mother.

6. No dangerous animal may be kept in any area of the owner's property that would allow the animal to exit easily (i.e. behind screen doors or windows) or chained

without a physical barrier to prevent contact with other animals or people or the escape of the animal.

7. A sign indicating the presence of a dangerous animal shall be present at and large enough to read from any public thoroughfare from which the property is entered.

8. A dangerous animal may be off the owner's property if it is securely muzzled and on a strong leash no more than four (4) feet long and under the control of a competent person.

9. The owner or keeper of a dangerous animal shall present to the City's Police Department proof that they have procured primary liability insurance or surety bond to include bodily injury and property damage in the amount of at least five hundred thousand dollars ($500,000.00) covering a twelve (12) month period. Proof of such insurance or bond must be presented each twelve (12) month period as long as the dangerous animal lives in the City limits. This policy or bond shall contain a provision requiring the City Police Department to be notified by the issuing company prior to any cancellation, termination or expiration of the policy.

10. All owners or keepers of dangerous animals must, within ten (10) days of such declaration, provide the Police Department with two (2) sets of color photographs of the dangerous animal, one (1) of each side and showing the color and approximate size of the animal.

11. It shall be unlawful for the owner or keeper of a dangerous animal within the City limits to fail to comply with the requirements and conditions set forth in this Chapter. Any animal found to be the subject of a violation of this Chapter may be, in addition to other penalties provided for in this Chapter, subject to immediate seizure and impoundment for a minimum of ten (10) days or the time necessary for the owner or keeper to show compliance with this Chapter, whichever is longer.

Section 205.200. Guard Dogs.

[Ord. No. 1062 §20, 2-18-2003]

All guard dogs are subject to the same restraints as dangerous animals except as in Section 205.190 with the addition that adequate shelter must be available. All guard dogs are subject to the license and anti-rabies vaccination requirements in this Chapter. All such animals must be registered annually with the Police Department.

Section 205.210. Right of Entry of Enforcement Officials.

[Ord. No. 1062 §21, 2-18-2003]

The impounding officer, any designated City staff, or any other person with whom the City has contracted according to the provision of this Chapter, and the members of the Police Department while in pursuit of a dog, cat or domestic other or wild animal on a complaint or running at large, or enforcing/investigating any Sections of this Chapter shall have the right of entry to any lots or lands, including those of the owners of such animals, for the purpose of collecting any animal found in violation of this Chapter.

Section 205.220. Interference With Enforcement Officials.

[Ord. No. 1062 §22, 2-18-2003]

Any person who shall interfere with or obstruct a City Official in the reasonable performance of his/her duty in apprehending any animal for impounding or investigation under this Chapter or any person who refuses to deliver his/her dog, cat or domestic other upon request by a City Official, whenever such official has reasonable cause, shall be deemed guilty of a misdemeanor.

Section 205.230. Actions Taken After Bite.

[Ord. No. 1062 §23, 2-18-2003]

A. The following actions may be taken by the Police Department with respect to animals that have bitten a human being or other animal:

1. Upon determination by the Police Department that a bite has occurred:

a. The City may cause the animal to be micro-chipped for tracking purposes at the owner's expense; and

b. The animal may be declared a dangerous animal by the Police Department; and

c. The animal may be impounded at a designated kennel or veterinary clinic for a designated period of not less than ten (10) days and may be spayed/neutered if the animal is to thereafter remain in the City.

2. Upon determination by the Police Department that a second (2nd) bite has occurred, the animal shall be destroyed following a ten (10) day quarantine period at a designated kennel or veterinary clinic.

B. Documented bites from other jurisdictions shall be included in the bite history record of an animal for the purposes of this Section.

Section 205.240. Animal Neglect and Abandonment.

[Ord. No. 1062 §24, 2-18-2003]

A. A person is guilty of animal neglect when he/she has custody or ownership or both of an animal and fails to provide adequate care or adequate control which results in substantial harm to the animal.

B. A person is guilty of abandonment when he/she has knowingly abandoned an animal in any place without making provisions for its adequate care.

C. In addition to any penalty imposed, the court may order a person found guilty of animal neglect or abandonment to pay all reasonable costs and expenses for:

1. The care and maintenance of neglected or abandoned animals within the person's custody or ownership;

2. The disposal of any dead or diseased animals within the person's custody or ownership;

3. The reduction of resulting organic debris affecting the immediate area of neglect or abandonment; and

4. The avoidance or minimization of any public health risks created by the neglect or abandonment of animals.

Section 205.250. Animal Abuse.

[Ord. No. 1062 §25, 2-18-2003]

A. A person is guilty of animal abuse when a person:

1. Intentionally or purposely kills an animal in any manner not allowed or expressly exempted from the provisions of this Section;

2. Purposely, intentionally or recklessly causes injury, suffering or pain to an animal;

3. Abandons an animal in any place without making provisions for its adequate care;

4. Having ownership or custody of an animal, willfully fails to provide adequate care or adequate control.

Section 205.260. Impoundment of Neglected, Abandoned or Abused Animal.

[Ord. No. 1062 §26, 2-18-2003]

A. Any Police Officer, Animal Control Officer or duly appointed official may have an animal impounded when found outside of the owned or rented property of the owner or custodian of such animal when such animal shows evidence of neglect or abuse. Any animal impounded pursuant to this Section shall be:

1. If the owner can be ascertained and the animal is not diseased or disabled beyond recovery for any useful purpose, held for recovery by the owner. The owner shall be notified within five (5) business days of impoundment by phone or by mail of the animal's location and recovery procedures. The animal shall be held for ten (10) business days. An animal unclaimed after ten (10) business days may be put up for adoption or humanely killed.

2. Placed in the care or custody of a veterinarian. The animal shall not be disposed of, unless diseased or disabled beyond recovery for any useful purpose, until after expiration of a minimum of five (5) business days, after which the animal may be put up for adoption or humanely killed.

3. If diseased or disabled beyond any useful purpose as determined by the Police Department or a veterinarian, humanely killed.

B. The owner or custodian of an animal impounded pursuant to this Section shall be liable for reasonable costs for the care and maintenance of the animal.

Section 205.270. Fines.

[Ord. No. 1062 §27, 2-18-2003]

A. Dogs, cats other domestic animals without identification and/or vaccination not to exceed:

1. First (1st) offense: $75.00.

2. Second (2nd) offense: $100.00.

3. Third (3rd) offense: $150.00.

4. Each subsequent offense: $200.00.

Chapter 210

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ARTICLE I
Offenses Against a Person

Section 210.010. Assault.

A. A person commits the offense of assault if:

1. He/she attempts to cause or recklessly causes physical injury to another person; or

2. With criminal negligence he/she causes physical injury to another person by means of a deadly weapon; or

3. He/she purposely places another person in apprehension of immediate physical injury; or

4. He/she recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or

5. He/she knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative.

ARTICLE II
Offenses Concerning Administration of Justice

Section 210.020. Resisting or Interfering With Arrest.

A. A person commits the offense of resisting or interfering with arrest if, knowing that a Law Enforcement Officer is making an arrest, for the purpose of preventing the officer from effecting the arrest, he:

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

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

B. This Section applies to arrests with or without warrants and to arrests for any crime or ordinance violation.

C. 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 210.030. Aiding Escape of a Prisoner.

A. A person commits the offense of aiding escape of a prisoner if he:

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 210.040. False Reports.

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

1. Gives false information to a Law Enforcement Officer for the purpose of implicating another person in a crime; or

2. Makes a false report to a Law Enforcement Officer that a crime 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.

B. It is a defense to a prosecution under Subsection (A) of this Section that the actor 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 210.050. Failure to Appear.

[Ord. No. 719 §75.220, 2-8-1978]

Any person who shall be duly served with a summons issued by the Municipal Court or by any officer who is authorized to issue a summons and who fails or refuses to obey any of its terms or conditions, or who shall fail to appear at a place and time fixed therein, shall be deemed guilty of a misdemeanor.

ARTICLE III
Offenses Concerning Public Safety

Section 210.060. Sale of Fireworks — Prohibited — Exceptions.

[Ord. No. 638 §1, 6-21-1972; Ord. No. 970 §1, 6-22-1999]

Any person or persons, or any merchant, or shop-keeper or restaurant keeper who shall within the corporate limits of the City of Lathrop, Missouri, sell, give away or otherwise dispose of, or allow any one for him to sell, give away or otherwise dispose of, any firecrackers, torpedoes, explosive canes, caps or ammunition for explosive canes, cap pistols, caps, blank cartridge pistols, blank cartridges, sky rockets, roman candles, pinwheels, spit devils, sparklers, flare pots, mines, bombs, or explosive and noisemaking fireworks of whatsoever kind, except between the dates of June twentieth (20th) and July tenth (10th) of each year, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than one dollar ($1.00) nor more than one hundred dollars ($100.00) for each offense.

Section 210.070. Use of Fireworks — Prohibited.

[Ord. No. 353A §2, 5-7-1947]

Whoever shall within the corporate limits of the City of Lathrop, Missouri, shoot, fire, detonate, or cause to explode firecrackers, torpedoes, explosive canes, caps or ammunition for explosive canes, cap pistols, caps, blank cartridge pistols, blank cartridges, sky rockets, Roman candles, pinwheels, spit devils, sparklers, flare pots, mines, bombs, or explosive and noisemaking fireworks of whatsoever kind, except on the fourth (4th) of July of each year, shall be deemed guilty of a misdemeanor.

ARTICLE IV
Offenses Concerning Public Peace

Section 210.080. Peace Disturbance.

[Ord. No. 1182 §§1 — 2, 3-17-2009]

A. *Definitions.* For purposes of this Section, the following definitions shall apply:

PRIVATE PROPERTY — Any place which at the time is not open to the public. It includes property which is owned publicly or privately.

PROPERTY OF ANOTHER — Any property in which the actor does not have a possessory interest.

PUBLIC PLACE — Any place which at the time is open to the public. It includes property which is owned publicly or privately.

If a building or structure is divided into separately occupied units, such units are separate premises.

B. *Peace Disturbance.* A person commits the offense of peace disturbance if:

1. He/she 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. He/she 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 210.090. 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 a crime against any person; or

   2. Fighting.

Section 210.095. Trespass.

[Ord. No. 934 §1, 5-12-1998]

A. A person commits the crime of trespass which is a misdemeanor 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 crime 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 the intruder.

C. Trespass is a misdemeanor and will carry the general penalties as are provided by Section 100.210 of the Lathrop City Code.

Section 210.100. Peace Disturbance Definitions.

For the purposes of Sections 210.080 and 210.090 the following words shall have the meanings set out herein:

PRIVATE PROPERTY — Any place which at the time is not open to the public. It includes property which is owned publicly or privately.

PROPERTY OF ANOTHER — Any property in which the actor does not have a possessory interest.

PUBLIC PLACE — Any place which at the time is open to the public. It includes property which is owned publicly or privately.

If a building or structure is divided into separately occupied units, such units are separate premises.

Section 210.102. Disorderly Conduct.

[Ord. No. 1182 §§1 — 2, 3-17-2009]

A. Any person who, with intent to provoke a breach of the peace or to cause violence to persons or property, commits any of the following acts shall be deemed to have committed the offense of disorderly conduct:

1. Acts 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. Acts in a violent or tumultuous manner toward another, whereby property of any person is placed in danger of being destroyed or damaged.

3. Endangers lawful pursuits of another by acts of violence, angry threats and/or abusive conduct.

4. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another.

5. Assembles or congregates with another or others for the purpose of causing, provoking or engaging in any fight or brawl.

6. Jostles or roughly crowds or pushes any person in any public place.

7. Frequents any public place with intent to obtain money from another by an illegal and fraudulent scheme, trick, artifice or device.

8. 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 to aid or abet therein.

9. Any male person accosts or attempts to force his company upon any male or female or attempts to pick up any male or female.

10. Uses "fighting words" directed towards another who becomes outraged and thus creates turmoil.

11. Assembles or congregates with another or others for the purpose of doing bodily harm to another.

12. Any person, by acts of violence, interferes with another's pursuit of a lawful occupation.

13. Congregates 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.

14. Congregates with others on public street and refuses to move on when ordered by the Police.

15. By his/her actions causes a crowd to collect, except when lawfully addressing such crowd.

16. Stations himself/herself on the public streets or follows pedestrians for the purpose of soliciting alms, or who solicits alms on the public streets unlawfully.

17. Causes a disturbance in any bus or other public conveyance by running through it, climbing through windows or upon the seats or otherwise annoying passengers or employees therein.

18. Stands on sidewalks or street corners and makes insulting remarks to or about passing pedestrians and/or motorist or annoys such pedestrians.

Section 210.103. Unlawful Assembly.

[Ord. No. 1182 §§1 — 2, 3-17-2009]

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 City, this State or the United Sates of America with forces or violence.

Section 210.105. Rioting.

[Ord. No. 1182 §§1 — 2, 3-17-2009]

A person commits the offense of rioting if he/she knowingly assembles with six (6) or more persons and agrees with such persons to violate any of the criminal laws of this City, this State or of the United States of America with force or violence, and thereafter, while still so assembled, does violate any of said laws with force or violence.

Section 210.107. Refusal to Disperse.

[Ord. No. 1182 §§1 — 2, 3-17-2009]

A. 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.

B. A person who is convicted of a refusal to disperse may be sentenced to pay a fine which does not exceed three hundred dollars ($300.00) or to serve a period of imprisonment which does not exceed fifteen (15) days, or both.

ARTICLE V
Offenses Concerning Noise

Section 210.110. Excessive, Unnecessary or Loud Noises — Prohibited.

[Ord. No. 851 §§1 — 3, 1-8-1991]

A. The creation of any unreasonably loud, disturbing or unnecessary noise in the City is prohibited.

B. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:

1. *Vehicle horns, etc.* The sounding of any horn or signal device on any motorcycle, automobile or other vehicle while not in motion on a public street or highway, except as a danger signal if another vehicle is approaching apparently out of control; or, if in motion, the excessive or prolonged sounding except only as a danger signal, after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound, and the sounding of such device for an unnecessary or unreasonable period of time.

2. *Playing radios, etc.* The playing of any radio, stereo phonograph or other musical instrument in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to tend to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence; provided, that any such noise that can be distinctly heard at a distance of more than one hundred (100) feet from its source shall be deemed excessive.

3. *Animals, fowl, etc.* The keeping of any animal, bird or fowl which, by causing frequent or long continued noise, shall tend to disturb the comfort and repose of any person in the vicinity; provided, that any such noise that can be distinctly heard at a distance of more than one hundred (100) feet from its source shall be deemed excessive.

4. *Vehicular noise generally.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

ARTICLE VI
Offenses Concerning Property

Section 210.120. Stealing.

A. A person commits the offense of stealing if he/she appropriates property or services of another with the purpose to deprive him/her thereof, either without his/her consent or by means of deceit or coercion.

B. Evidence of the following is admissible in any criminal prosecution under this Section on the issue of the requisite knowledge or belief of the alleged stealer:

1. That he/she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;

2. That he/she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;

3. That he/she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

4. That he/she surreptitiously removed or attempted to remove his/her baggage from a hotel, inn or boardinghouse.

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

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

SERVICES — Includes transportation, telephone, electricity, gas, water, or other public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles.

Section 210.130. Property Damage.

A. A person commits the offense of property damage if:

1. He/she knowingly damages property of another; or

2. He/she damages property for the purpose of defrauding an insurer.

Section 210.140. Lost Property.

[Ord. No. 704 §3, 7-7-1976]

A person who appropriates lost property shall not be deemed to have stolen the same within the meaning of Section 210.120, unless such property is found under circumstances which give the finder knowledge of or means of inquiry as to the true owner.

ARTICLE VII
Offenses Concerning Minors

Section 210.150. Curfew Imposed.

[Ord. No. 893 §1, 11-14-1995; Ord. No. 1108 §2, 7-19-2005]

A. It is unlawful for any minor under the age of seventeen (17) years to loiter, wander, stroll or play in or upon the public streets, highways, roads, alleys or other public grounds,

public places, public buildings, places of amusement, eating places, vacant lots or any other public place between the hours of 10:30 P.M. on any day and 6:00 A.M. of the following day; provided however, that on Saturday and Sunday the effective hours are between 12:01 A.M. and 6:00 A.M. and provided that the provisions of this Section shall not apply in the following instances:

1. When a minor is accompanied by his/her parent, guardian or other adult person having the lawful care and custody of the minor;

2. When the minor is upon an emergency errand directed by his/her parent or guardian or other adult person having the lawful care and custody of such minor;

3. When the minor is returning directly home from a school activity, entertainment, recreational activity or dance;

4. When the minor is returning directly home from lawful employment that makes it necessary to be in the places referenced in this Section during the prescribed period of time;

5. When the minor is attending or traveling directly to or from an activity involving the exercise of first amendment rights of free speech, freedom of assembly or free exercise of religion; and

6. In interstate travel through the City.

Section 210.160. Parent or Legal Guardian to Support Curfew.

[Ord. No. 893 §2, 11-14-1995]

It shall be unlawful for the parent, guardian or other person having custody or control of any child under the age of seventeen (17) years to permit, or by insufficient control to allow such child to be in or upon the public streets or any other places listed within the City between the hours specified in Section 210.150 except under circumstances set out in Subsections (1) through (6) of Section 210.150.

Section 210.170. Violations.

[Ord. No. 893 §3, 11-14-1995]

A. Upon conviction of violation of Sections 210.150 or 210.160 for the first time, a person shall be subject to a fine not to exceed fifty dollars ($50.00).

B. Upon further convictions, a person shall be subject to a fine not to exceed five hundred dollars ($500.00) and costs. In lieu of a fine, the court may impose probation, provided that a condition of probation is attendance at family counseling sessions by the parent and juvenile, as recommended by appropriate health care providers. Each violation of this Section shall constitute a separate offense.

C. Any Police Officer finding a minor violating the provision of Section 210.150 shall warn the minor to cease and desist immediately from such violation. The Police Officer may

take said minor into custody and release him/her to the parent or guardian or release the minor at the scene with a written notice of referral to the juvenile office.

Section 210.180. Police Report Arrests to Board of Aldermen.

[Ord. No. 893 §4, 11-14-1995]

The Police Department shall report to the Board of Aldermen the number of arrests under this Article, the location of the arrests and the age of persons so arrested.

Section 210.190. Municipal Court Address Report to Board of Aldermen.

[Ord. No. 893 §5, 11-14-1995]

On a semi-annual basis, the Municipal Court shall report to the Board of Aldermen on the disposition of arrests and convictions under this Section.

ARTICLE VIII
Offenses Concerning Prostitution

Section 210.200. Definitions.

As used in this Article, the following terms mean:

PATRONIZING PROSTITUTION — A person patronizes prostitution if

1. Pursuant to a prior understanding, he/she gives something of value to another person as compensation for that person or a third (3rd) person having engaged in sexual conduct with him/her or with another; or

2. He/she gives or agrees to give something of value to another person on an understanding that in return therefor that person or a third (3rd) person will engage in sexual conduct with him/her or with another; or

3. He/she solicits or requests another person to engage in sexual conduct with him/her or with another, or to secure a third (3rd) person to engage in sexual conduct with him/her or with another, in return for something of value;

PROSTITUTION — A person commits prostitution if he/she engages or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by the person or by a third (3rd) person;

SEXUAL CONDUCT — Occurs when there is

1. *Sexual intercourse.* Any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results; or

2. *Deviate sexual intercourse.* Any sexual act involving the genitals of one person and the mouth, hand, tongue or anus of another person; or

3. *Sexual contact.* Any touching, manual or otherwise, of the anus or genitals of one person by another, done for the purpose of arousing or gratifying sexual desire of either party;

SOMETHING OF VALUE — Money or property, or any token, object or article exchangeable for money or property.

Section 210.210. Prostitution.

A person commits the offense of prostitution if he/she performs an act of prostitution.

Section 210.220. Patronizing Prostitution.

A person commits the offense of patronizing prostitution if he/she patronizes prostitution.

Section 210.230. Prostitution and Patronizing Prostitution — Sex of Parties No Defense — When.

A. In any prosecution for prostitution or patronizing a prostitute, the sex of the two (2) parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:

1. Both persons were of the same sex; or

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

Section 210.240. Prostitution Houses Deemed Public Nuisances.

A. Any room, building or other structure regularly used for sexual contact for pay as defined in Section 210.200 or any unlawful prostitution activity prohibited by this Article is a public nuisance.

B. The City Prosecuting Attorney may, in addition to all other sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for sexual contact for pay or unlawful prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one (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 sexual contact for pay or unlawful 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.

ARTICLE IX
Offenses Concerning Pornography

Section 210.250. Public Display of Explicit Sexual Material.

A. A person commits the offense of public display of explicit sexual material if he/she knowingly:

1. Displays publicly explicit sexual material; or

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

Section 210.260. Video Cassettes, Morbid Violence, to Be Kept in Separate Area; Sale or Rental to Persons Under Seventeen Prohibited.

A. Video cassettes or other video reproduction devices, or the jackets, cases or coverings of such video reproduction devices shall be displayed or maintained in a separate area if the same are pornographic for minors as defined in Section 573.010, RSMo., or if:

1. Taken as a whole and applying contemporary community standards, the average person would find that it has a tendency to cater or appeal to morbid interest in violence for persons under the age of seventeen (17); and

2. It depicts violence in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for persons under the age of seventeen (17); and

3. Taken as a whole, it lacks serious literary, artistic, political, or scientific value for persons under the age of seventeen (17).

4. Any video cassettes or other video reproduction devices meeting the description in Subsection (1) of this Section shall not be rented or sold to a person under the age of seventeen (17) years.

ARTICLE X
Offenses Against Morals

Section 210.270. Indecent Exposure.

A person commits the offense of sexual misconduct if he exposes his genitals under circumstances in which he knows that his conduct is likely to cause affront or alarm.

Section 210.275. Residency and Loitering Limitations for Sex Offenders.

[Ord. No. 1169, 9-16-2008]

A. Any person who,

1. Since July 1, 1979, has been or hereafter has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the provisions of:

   a. Chapter 566, RSMo.; or

   b. The provisions of Subsection (2) of Section 568.020, RSMo., incest; or

   c. Section 568.045, RSMo., endangering the welfare of a child in the first degree; or

   d. Subsection (2) of Section 568.080, RSMo., use of a child in a sexual performance; or

   e. Section 568.090, RSMo., promoting a sexual performance by a child; or

   f. Section 573.023, RSMo., sexual exploitation of a minor; or

   g. Section 573.025, RSMo., promoting child pornography in the first degree; or

   h. Section 573.035, RSMo., promoting child pornography in the second degree; or

   i. Section 573.037, RSMo., possession of child pornography; or

   j. Section 573.040, RSMo., furnishing pornographic material to minors; and

2. Any person required to register with the Chief Law Enforcement Official of the County in which such person resides pursuant to the provisions of Section 589.400, et seq., RSMo., shall not reside within one thousand (1,000) feet of any public school as defined in Section 160.011, RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth (12th) grade, or public library, or public park, or pool open to the general public, or within two thousand (2,000) feet of any child care facility as defined in Section 210.201, RSMo., which is in existence at the time the individual begins to reside at the location.

B. If such person has already established a residence and a public school, a private school, a child care facility, a public library, a public park or a pool open to the general public is subsequently built or placed within the requisite distance of such person's residence, then such person shall, within one (1) week of the opening of such public school, private school, public library, public park, pool or child care facility, notify the Chief of Police that he or she is now residing within one thousand (1,000) feet of such public school, private school, public library, public park or pool, or within one thousand (1,000) feet of such child care facility and shall provide verifiable proof to the Chief that he or she resided there prior to the opening of such public school, private school, public library, public park, pool or child care facility.

C. For purposes of this Section:

1. *"Resides"* means sleeps in a residence, which may include more than one (1) location and may be mobile or transitory; and

2. The requisite distance between the relevant facility and the residence in question shall be measured by the straight line distance between the nearest point on the property boundary line of the property upon which the relevant facility is located and the nearest point on the boundary line of the property upon which the residence is located.

D. Any person who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the provisions of Chapter 566, RSMo., or the provisions of Subsection (2) 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, RSMo., use of a child in a sexual performance; Section 568.090, 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 shall not be present in or loiter within one thousand (1,000) 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 (E) of this Section.

E. 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 (D) 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 or she wishes to attend for which he or she has not yet had permission granted.

F. Any person violating any of the provisions of this Section shall be punished as provided by law.

G. Except as expressly set forth herein, nothing contained in this Section shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other ordinance of the City or the requirements thereof whether or not relating to or in manner connected with the subject matter hereof.

ARTICLE XI
Offenses Concerning Streets, Sidewalks and Public Places

Section 210.280. Disposal of Refuse.

[Ord. No. 719 §75.210, 2-8-1978]

It shall be unlawful for any person to willfully deposit upon any City street, alley, sidewalk, public right-of-way or public or private grounds any trash, cans, bottles, paper, rubbish, or refuse of any kind, causing a public nuisance, hazard to pedestrians, or vehicles, or unsightly condition detrimental to the appearance of the City.

Section 210.290. Abandoned Vehicles.

[Ord. No. 719 §75.240, 3-8-1978]

A. No person owning or in charge of any motor vehicle or other personal property shall leave or abandon the same upon the streets, alleys, sidewalks, or upon the public places of this City. *"Abandoned motor vehicle"* or *"other personal property"* is hereby defined as a motor vehicle or other personal property which remains on the streets, alleys, sidewalks, or other public property for more than forty-eight (48) hours, the owner of which cannot be found, or if found, refuses to remove same immediately. The City Police are hereby authorized to remove a motor vehicle or other personal property to the nearest garage or lot or other place designated or maintained by the City, under the circumstances hereafter enumerated:

1. When any vehicle or other personal property is parked illegally or placed in such a manner as to constitute a definite hazard or obstruction to the movement of traffic.

2. When a vehicle, or other personal property is parked on the street in the same place continuously for forty-eight (48) hours.

3. When any motor vehicle, or other personal property, is parked or left on any private property, upon an area developed as an off-street parking facility without the consent of the owner and upon the complaint to the Police by the owner, lessee, or person in charge of such private property or facility.

B. Any motor vehicle, or other personal property, so removed and taken into custody of the Police shall be held until the owner or his/her authorized agent applies for the same and pays the cost of removing said motor vehicle or personal property. Said cost and expenses shall be a lien on said motor vehicle, or other personal property, in favor of the City of Lathrop, Missouri.

C. All motor vehicles and other personal property impounded by the Police pursuant to this Section and unredeemed by the owner for a period of ninety (90) days shall thereafter be subject to sale by the Chief of Police. The proceeds of said sale shall be applied first to all removal and storage charges accumulated against each article.

D. Any person claiming to be the owner of any impounded property as in this Section provided, shall make written application therefore to the Chief of Police, and shall

furnish the Chief of Police such additional proof as may be required to establish ownership.

E. The Police Department shall notify the owner of the motor vehicle, or other personal property, ten (10) days prior to the date of sale of the place and time of said sale by certified mail. If the name or address of the owner is unknown, then notice shall be by one (1) publication placed in the newspaper in the City at least ten (10) days prior to the date of said sale.

F. Whenever the Chief of Police decides to offer impounded property for sale, he/she shall give public notice of said sale by publishing notice of same in a newspaper in the City, said notice being not more than twelve (12) days and not less than five (5) days prior to date of said sale. Such publication shall briefly describe the property to be sold, and where motor vehicles are to be sold, to give the manufacturer's name, model, motor number and odometer, and specify that no title shall be given for the motor vehicles sold.

ARTICLE XII
Offenses Concerning Weapons

Section 210.300. Weapons — Carrying Concealed — Other Unlawful Use.

[Ord. No. 1078 §1, 3-16-2004]

A. A person commits the offense of unlawful use of weapons if he/she knowingly:

1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use.

2. Discharges or shoots a firearm within the City limits.

3. Possesses a firearm or projectile weapon while intoxicated.

4. Carries a firearm or any other weapon readily capable of lethal use.

B. Subparagraphs (1), (2) and (4) of Subsection (A) of this Section shall not apply to or affect any of the following:

1. All State, County and Municipal Law Enforcement Officers possessing 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, 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; and

7. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Board of Police Commissioners under Section 84.340, RSMo.

C. Subparagraphs (1, 3 and 4) of Subsection (A) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subparagraph (1) of Subsection (A) of this Section does not apply 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 business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through the City.

D. *Concealed Carry Restrictions.*

1. No person who has been issued a concealed carry endorsement by the Missouri Director of Revenue under Sections 571.101 to 571.121, RSMo., or who has been issued a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State shall, by authority of that endorsement or permit, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building owned, leased or controlled by the City.

2. Signs shall be posted at each entrance of a building entirely owned, leased or controlled by the City stating that carrying of firearms is prohibited. Where the City owns, leases or controls only a portion of a building, signs shall be posted at each entrance to that portion of the building stating that carrying of firearms is prohibited.

3. This Section shall not apply to building used for public housing by private persons, highways or rest areas, firing ranges or private dwellings owned, leased or controlled by the City.

4. Any person violating this Section may be denied entrance to the building or ordered to leave the building. Any City employee violating this Section may be disciplined. No other penalty shall be imposed for a violation of this Section.

5. No person who has been issued a certificate of qualification which allows the person to carry a concealed firearm before the Missouri Director of Revenue begins issuing concealed carry endorsements in July, 2004, shall, by authority of that certificate, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building owned, leased or controlled by the City.

ARTICLE XIII
Offenses Concerning Drugs and Alcohol

Section 210.310. Possession or Control of a Controlled Substance.

Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control a controlled substance.

Section 210.320. Unlawful Use of Drug Paraphernalia.

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of Sections 195.005 to 195.425, RSMo.

Section 210.330. Unlawful Delivery or Manufacture of Drug Paraphernalia.

It is unlawful for any person to deliver, possess with intent to deliver, or manufacture, with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of Sections 195.005 to 195.425, RSMo.

Section 210.340. Advertisements Promoting Sale of Drug Paraphernalia or Imitation Controlled Substances Prohibited.

A. 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.

B. 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.

Section 210.350. Public Alcohol Consumption.

[Ord. No. 719 §75.230, 2-8-1978]

It shall be unlawful for any person to drink or otherwise consume alcoholic beverages on any street, alley, park or any public place not licensed to serve alcoholic beverages, unless a special permit is first obtained from the Board of Aldermen.

Section 210.355. Prohibiting Open House Parties When Alcohol or Illegal Drugs Are Possessed or Used by Minors.

[Ord. No. 1151 §1, 11-20-2007]

A. *Definitions.* Unless the provisions explicitly state otherwise, as used in this Section, the following terms and phrases shall have the meanings hereinafter designated:

ALCOHOLIC BEVERAGE — Any alcoholic liquor as defined now and hereafter by the Revised Statutes of Missouri. Currently, "alcoholic liquor" is defined by Section 311.020, RSMo.

CONTROL — Any form of authority, regulation, responsibility or dominion, including a possessory right.

DRUG — For the purposes of this Section, a controlled substance as defined and described now or hereafter by the Revised Statutes of Missouri. Currently, controlled substances are defined and described by Sections 195.005 — 195.425, RSMo., (Chapter 195).

ENFORCEMENT SERVICES — The salaries and benefits of Police Officers or other code enforcement personnel for the amount of time actually spent in responding to, or in remaining at, the open house party, gathering or event and the administrative costs attributable to the incident; the actual cost of any medical treatment to injured Police Officers or other code enforcement personnel; the cost of repairing any damaged City equipment or property; and the cost arising from the use of any damaged equipment in responding to or remaining at the party, gathering or event.

MINOR — A person not legally permitted by reason of age to possess or purchase alcoholic liquor as described now or hereafter by the Revised Statutes of Missouri.

OPEN HOUSE PARTY — A social gathering, party or event at a residence or premises of a person who is:

1. The person(s) who owns, rents, leases or otherwise has control of the premises where the party, gathering or event takes place;

2. The person(s) in charge of the premises at the time of the social gathering, party or event; or

3. The person(s) who organized the social gathering, party or event.

PERSON(S) RESPONSIBLE FOR THE EVENT — Includes, but is not limited to:

1. The person(s) who owns, rents, leases or otherwise has control of the premises where the party, gathering or event takes place;

2. The person(s) in charge of the premises; or

3. The person(s) who organized the event. If a person responsible for the event is a juvenile, then the parents or guardians of that juvenile will be jointly and severally liable for the costs incurred for enforcement services pursuant to this Section.

RESIDENCE OR PREMISES — A motel room, hotel room, home, apartment, condominium or other dwelling unit, including the curtilage of a dwelling unit or a hall, meeting room or other place of assembly, whether occupied as a dwelling or specifically for social functions and whether owned, leased, rented or used with or without compensation.

B. No person who is:

1. The person(s) who owns, rents, leases or otherwise has control of the premises where the open house party, gathering or event takes place;

2. The person(s) in charge of the premises; or

3. The person(s) who organized the event, whether present at the premises or not,

shall allow an open house party to take place at any premises if any alcoholic beverage or drug is possessed or consumed at, within or on said premises by any minor where said person knew or reasonably should have known that any alcoholic beverage or drug was in the possession of, or being consumed by, a minor at said premises and where said person failed to take reasonable steps to prevent the possession or consumption of the alcoholic beverage or drug by a minor at the residence or premises.

The provisions of this Subsection shall not apply to:

1. The consumption, use or possession of a drug by a minor pursuant to a lawful prescription for each drug.
2. Religious observances or prescribed medical treatments.
3. The possession by a minor of alcoholic beverages or lawfully prescribed drugs incidental to the lawful employment of such minor.

C. *Penalty.*

1. Any person violating any provision of this Section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

2. When an open house party, gathering or event occurs on private property and any alcoholic beverage or drug is possessed or consumed at said premises by any minor and a Police Officer at the scene determines that there is a threat to the public peace, health, safety or general welfare, the person(s) responsible for the event may, upon conviction, have the cost of providing enforcement services to control the threat to the public peace, health, safety or general welfare assessed against said person(s) by the Judge of the Municipal Court as court costs. The amount assessed as court costs for enforcement services may include the cost of personnel and equipment but shall not exceed one thousand dollars ($1,000.00) for a single social gathering, party or event. Such amount assessed as costs is deemed to be supplementary and additional to all other applicable fines and penalties; and the City does not hereby waive its right to seek reimbursement for actual costs

exceeding the above amount through other legal remedies or procedures. Any person owing money shall be liable in an action brought in the name of the City for recovery of such amount, including reasonable attorney fees.

ARTICLE XIV
Miscellaneous Offenses

Section 210.360. Loitering.

[Ord. No. 719 §§75.130, 75.200, 2-8-1978]

A. It shall be unlawful for any person to loiter, ramble, wander, or loaf about the streets, alleys, sidewalks, and public places of the City, whether within or out of a motor vehicle, between the hours of 2:00 A.M. and 5:00 A.M.

B. It shall be unlawful for any person within the City limits to loiter without any visible means of support.

Section 210.370. Curfew at City Parks.

[Ord. No. 1108 §1, 7-19-2005]

A curfew is hereby imposed at the Lathrop City parks whereby the parks are closed from 10:30 P.M. until 6:00 A.M. of the following day, seven (7) days a week. Parks include the park located between Oak and Clinton Streets on Park Street, Ingram Field at Elm Street and Clinton Streets and Ben Jones Park at the east end of Walnut Street.

Section 210.380. Open Burning Regulations.

[Ord. No. 1131 §§1 — 3, 11-21-2006]

A. *Burning Limited.*

1. Within the corporate limits of the City, the open burning of residential yard waste consisting of leaves and brush from vegetation grown on a residential property is permitted within the conditions defined in Subsection (B).

2. The burning of garbage, tires, fabric, furniture and other kinds of waste is prohibited.

B. *Restrictions On Burning Yard Waste.* The burning of yard waste shall be conducted as follows:

1. All fires must be at least twenty (20) feet away from any building, structure or property line. At no time shall a fire be located on the surface of a City street.

2. Fires shall be limited to an area no greater than ten (10) feet in diameter or length at any one time. Fires at multiple sites on the same property are prohibited.

3. Fire-fighting material sufficient to contain any fire started under this Section shall be available at the site of the burning.

4. Open burning shall be permitted only between the hours of 8:00 A.M. and 8:00 P.M. and only between the dates of November tenth (10th) and November twenty-fifth (25th) in any calendar year.

5. All fires shall be monitored from a point on the property where the fire is located by a person capable of containing a fire, should containment be necessary. A minor child is not a person considered capable of containing a fire.

6. If the safety of the community or the public health may be endangered or climatological conditions indicate open burning may create a health hazard, the Mayor or the Fire Chief of the Lathrop Fire District may invoke a temporary burning ban.

7. Any person engaged in open burning in violation of this Section shall be summoned for a misdemeanor violation.

C. Applications where this Section do not apply are as follows: Fireplaces and heating stoves located wholly within a residence, wood-burning stoves located in garages or sheds, outdoor barbecues for the preparation of food, properly supervised fires set for recreational or ceremonial purposes and supervised burning of paper products where the fire is contained within a barrel or similar container.

Chapter 215

NUISANCES

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ARTICLE III
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Section 215.190. Weeds.

ARTICLE I
Nuisances — Generally

Section 215.010. Nuisances Prohibited.

[Ord. No. 887 §2, 7-11-1995]

A. No person, firm or corporation shall permit, cause, help, maintain or do any nuisances defined by the laws of the State or the ordinances of the City of Lathrop, Missouri, or cause or permit to be committed, caused, kept, maintained or done any such nuisances within the corporate limits of the City of Lathrop, Missouri.

B. No owner, occupant, or person in charge of any house, building, lot or premises in the City shall cause or allow any nuisance to be or remain in or upon such house, building, lot or premises.

Section 215.020. Nuisances Defined.

[Ord. No. 887 §2, 7-11-1995]

A. The following are hereby defined, deemed and declared to be nuisances for the purpose and enforcement of this Article:

1. Establishments or structures which emit noxious odors.

2. Substances emitting noxious odors, including but not limited to: any stable, stall, shed, compartment in any yard or appurtenance thereof in which any horse, cattle, cows, swine, dogs, rabbits or any other animal, chickens or any other fowl shall be kept, or any place in which manure or liquid discharges of such animals shall collect or accumulate, and which stable, stall, shed or compartment, or any yard or appurtenance thereof, is not kept in clean and wholesome condition, so that an offensive smell shall be allowed to escape therefrom. Nothing in this Article shall be so construed as to include manure deposits upon any private property for the purpose of cultivating the same.

3. Carcasses of animals remaining exposed twelve (12) hours after death.

4. Abandoned, discarded or unused objects or equipment such as: Vehicles, furniture, stoves, refrigerators, freezers, toilets, water heaters, air-conditioners, sinks, all ashes, cinders, slops, filth, excrement, boards, lumber, scraps, sawdust, wood or metal shavings, rubber, old tires, plastic containers, bags, wrappers, stones, rocks, sand, oil, coal, gasoline, paint, dirt, dust, straw, soot, sticks, boxes, barrels, buckets, kegs, crates, cans, bottles, cartons, paper, trash, leavings, rubbish (*"rubbish"* shall mean solid waste consisting of combustible and non-combustible waste materials from residential apartments, commercial, industrial, institutional establishments, including yard waste and items commonly referred to as yard waste and items commonly referred to as *"trash"*), manure, broken ware, iron or other metal, rags, old wearing apparel, sweepings, refuse, debris, vehicle parts, broken concrete, slag, garbage, offal, putrid, fish, meat entrails, decaying fruits or vegetables, waste water, animal or vegetable products or matter, broken glass, bones, tacks, nails, wire, grass, dead limbs, leaves, brush, logs, weeds, foliage or shrub cuttings or clippings, or any other offensive or disagreeable substance or thing thrown, cast, dropped, blown, spilled, poured, discharged or swept, left or deposited by anyone in or upon any premises.

5. Malfunctioning private sewage disposal systems which allow polluted, raw or partially treated waste water or effluent to be deposited or stand upon any premises. When any private sewage disposal system has been determined to be malfunctioning in such condition as to emit any offensive, noxious or disagreeable odor, the owner of the subject premises will be ordered to repair or make connection to the public sewer, if available.

"Private sewer disposal" shall mean any arrangement or devices and structures used for receiving, transporting, treating and disposing of sewage, including private and community sewer lines.

6. *Partially dismantled, junked, etc., vehicles.* Any partially dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicle or major parts of such vehicle; any vehicle not then in such condition or maintenance as to be operated in a normal and safe manner; or vehicle under repair or which is not licensed for the current year as required by law which remains on private property longer than ten (10) days, except that this Section shall not apply to any vehicle in an enclosed building or located upon the property as not to be readily visible from any public place or from any surrounding private property; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City or any other public agency or entity, or in a zoning district permitting such use.

7. *Storage of old, unused, etc., vehicles and machinery.* The outside storage through the use of a tarpaulins or other non-structural covering of old, unused, stripped, junked or other vehicles not in good and safe operating condition or not currently licensed, or of any other vehicles machinery, implements and/or equipment or personal property of any kind which are no longer safely usable for the purposes for which it was manufactured.

8. The parking of vehicles on the part of a residential front yard other than a parking space.

   "Parking space" shall mean an area on a lot sufficient to store one (1) vehicle, but shall not be less than nine (9) feet wide and twenty (20) feet in length and shall be connected to a public street or alley by a driveway not less than nine (9) feet wide. The parking space and connected driveway shall be constructed in such a way as to clearly define the boundaries between the parking space and the adjacent yard area. Minimally, it shall be constructed of at least six (6) inches of crusher run rock, or equivalent inch, and shall be shaped and compacted.

9. Tree limbs and branches which overhang any public sidewalk or public street of such height above the sidewalk or street shall impede or interfere with the use of said sidewalk by any person or impede or interfere with the use of said street by a pedestrian or the operator of a motor vehicle, or shall endanger the safety of any person using such public sidewalk or endanger the safety of any pedestrian or occupant of any motor vehicle traveling upon any public street.

10. Building materials abandoned or stored in an area where construction is not in progress and in an area not properly zoned for such storage; however, such storage shall be permitted in an area where construction is in progress and a valid permit issued by the City is in effect. Such permitted storage shall not extend more than thirty (30) days beyond the expiration of the building permit or completion of construction, whichever first occurs. Usable building materials from use on the premises may be temporarily stored in the open. They shall be placed at least eighteen (18) inches off the ground, and stacked neatly.

11. To permit or maintain on any land any growth of weeds, grass, poisonous or harmful vegetation to a greater height than eighteen (18) inches on the average.

Section 215.030. Notice to Abate Nuisance.

[Ord. No. 887 §2, 7-11-1995; Ord. No. 1240 §1, 5-21-2013]

A. Whenever the Police Chief or other official designated by the Mayor shall ascertain or have knowledge that a nuisance dangerous to the public health exists, in or upon any house, premises or other land in this City, they shall, in writing notify the person occupying or having possession of such house or premises or such land to abate or remove such nuisance and the owner of such land if the owner is a different person. Such notice to abate or remove the nuisance issued hereunder shall contain the following information:

1. An order to abate the nuisance within ten (10) days of the date of the notice.
2. The location of the nuisance, if the same is stationary.
3. A description of what constitutes the nuisance.
4. A statement of the acts necessary to abate the nuisance.
5. A statement that if the nuisance is not abated as directed and a request for hearing is not made within the prescribed time, the City will abate such nuisance and assess the costs thereof against any such person.

The notice to abate any such nuisance shall be served as any other legal process may be served pursuant to law.

Section 215.040. Abatement by City.

[Ord. No. 887 §2, 7-11-1995]

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this Article to abate the same, the Police Chief or other official designated by the Mayor shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

Section 215.050. Special Tax Bill for Costs of Abatement.

[Ord. No. 887 §2, 7-11-1995]

A. The Police Chief or other officer designated by the Mayor shall certify the cost of abatement authorized in Section 215.040 to the City Clerk who shall cause a special tax bill thereof against the property be prepared and be collected by the Collector with other taxes against the property.

B. From the date of its issuance, the tax bill shall be a first lien on the property until paid, and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto.

C. Each special tax bill shall be issued by the City Clerk and delivered to the Collector on or before the first (1st) day of June of each year. Such tax bills, if not paid when due, shall bear interest at the rate of eight percent (8%) per annum.

Section 215.060. Penalty.

[Ord. No. 887 §2, 7-11-1995]

Any person to whom the notice to abate the nuisance was served pursuant to Section 215.030 of this Article who shall fail or refuse to abate or remove the nuisance within the time limit in such notice shall be guilty of a misdemeanor. Preparation of a tax bill as authorized herein does not relieve any person of liability under this Section. Upon any person's conviction thereof before the Municipal Judge being deemed guilty of committing, causing, keeping, maintaining or doing or causing or permitting to be committed, caused, kept, maintained or done a nuisance such person shall be punished by a fine of not less than one dollar ($1.00) nor more than five hundred dollars ($500.00), to be imposed and collected in a like manner as fines are imposed in cases of misdemeanor. Each day following the prescribed time given in the notice of abatement during which time the nuisance continues unabated, shall constitute a separate offense hereunder.

ARTICLE II
Vehicles and Personal Property as a Nuisance

Section 215.070. Definitions.

[Ord. No. 813 §1, 7-7-1987]

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

DAMAGED OR DISABLED VEHICLE — Any vehicle which is not registered or is improperly registered with the State, has been inoperable for more than seventy-two (72) hours or is in such a state of repair as to be inoperable, except those on the premises of a duly licensed automobile repair or sales business; or in a duly licensed automobile junking yard.

JUNK — Any metal, glass, paper, rags, wood, machinery or machinery parts, cloth or other waste or discarded material of any nature or substance whatsoever, or scrap or salvage materials.

PERSON — Any person, firm, partnership, association, corporation or other organization of any kind.

PROPERTY — Any land owned by the City or located within the City limits, not including streets and highways.

STREET OR HIGHWAY — The entire area between the boundary lines of every publicly maintained way when any part thereof is open to the use of the public for purpose of vehicular travel.

VEHICLES — Any machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides, including but not limited to automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons, or any part thereof.

Section 215.080. Declared Public Nuisance.

[Ord. No. 813 §2, 7-7-1987]

A. Any damaged or disabled vehicle, part thereof or junk located on any property, street or highway which presents a hazard to children, or harbors tall grass, weeds or other vegetation, or creates a fire hazard, or affords a breeding place or nesting place for mosquitoes, flies, rodents, rats or other vermin; or any vehicle, part thereof or junk allowed to remain unmoved on any street or highway for forty-eight (48) hours is a public nuisance.

B. Any damaged or disabled vehicle stored upon residential property for a period longer than forty-eight (48) hours which does not display a current State and City license is hereby declared to be a public nuisance.

C. The provisions of this Section shall not apply to vehicles fully enclosed in a building.

Section 215.090. Unlawful to Maintain Nuisance.

[Ord. No. 813 §3, 7-7-1987]

It shall be unlawful for any person to create or maintain a nuisance as defined in Sections 215.070 and 215.080 or to abandon any vehicle on any street or highway or on any property without consent of the owner.

Section 215.100. Notice.

[Ord. No. 813 §4, 7-7-1987; Ord. No. 1240 §2, 5-21-2013]

Whenever the Chief of Police or his/her duly authorized representative determines that any vehicle or junk is a nuisance as defined herein, he/she shall cause written notice to be served upon the owner of the vehicle or junk, if he/she can be located, or the person in custody of such vehicle or junk, by registered or certified mail or by personal service. The notice shall state that the vehicle or junk is deemed to be a nuisance within the provisions of Sections 215.070 and 215.080, and shall briefly state facts deemed to constitute such vehicle or junk a nuisance within the terms of this Article, and state that the nuisance shall be abated within ten (10) days from receipt of such notice.

Section 215.110. Proceedings When Owner or Custodian Cannot Be Located.

[Ord. No. 813 §5, 7-7-1987; Ord. No. 1240 §3, 5-21-2013]

When the owner or custodian of any nuisance as defined in Sections 215.070 and 215.080 cannot be located by reasonable search, the notice shall be attached to the property, briefly stating facts deemed to constitute the property a nuisance and stating that the nuisance shall be abated within ten (10) days of the date notice was posted, or if the vehicle is on public property, within two (2) days of the date notice was posted.

Section 215.120. Duty of Owner or Custodian to Comply With Notice.

[Ord. No. 813 §6, 7-7-1987]

Any person receiving the notice provided for in this Article shall comply with the provisions of the notice requiring abatement. Failure to comply with this provision is unlawful.

Section 215.130. Removal by Chief of Police — Redemption of Property — Disposition of Unredeemed Property — Disposition of Proceeds.

[Ord. No. 813 §7, 7-7-1987]

If not removed within the time specified in the notice, the vehicle or junk shall be transported to a storage area by or at the direction of the Chief of Police or his/her duly authorized representative at the expense of the owner or person in custody thereof. It shall be stored for a period of at least ninety (90) days, and the person entitled to possession thereof may redeem the property by payment to the City of the actual cost of its removal and a reasonable storage fee. If the vehicle or junk is unredeemed after the expiration of the ninety (90) day period, the Chief of Police shall sell it to the highest bidder or, if it has no sale value, may otherwise dispose of it. Any money received from disposal of any vehicle or junk shall be applied to the expenses charged to the owner or person in charge thereof.

Section 215.140. Notice of Sale of Unredeemed Property.

[Ord. No. 813 §8, 7-7-1987]

A. Prior to the sale of any such property, the Chief of Police shall cause to be published in a newspaper of general circulation within the City a notice of sale stating:

1. The City is selling abandoned property;

2. The color, make, year, motor number and serial number if available, and any other information necessary for an accurate identification of the property;

3. The terms of the sale; and

4. The date, time and place of the sale.

This notice shall be published not less than ten (10) nor more than thirty (30) days prior to the date of sale.

Section 215.150. Right of Entry.

[Ord. No. 813 §9, 7-7-1987]

The Chief of Police or his/her duly authorized representative may enter upon private property for inspection or for the purpose of removing any vehicle or junk in accordance with this Article. If any person refuses to allow entry onto his/her private property, the Chief of Police may obtain a warrant from the proper official and proceed in accordance therewith.

Section 215.160. Applicability to Commercial Junk Yards and Motor Vehicle Wrecking or Repair Establishments.

[Ord. No. 813 §10, 7-7-1987]

The provisions of Sections 215.070 through 215.150 are not applicable to any junk yard or motor vehicle wrecking or repair establishment which business is doing business commercially and has obtained duly authorized and valid license as provided in other City ordinances.

Section 215.170. Procedure for Establishing Junk Yard, Etc.

[Ord. No. 813 §11, 7-7-1987]

Any person may establish a junk yard or place of outside storage of wrecked or partly disassembled motor vehicles, machinery, equipment or parts thereof, within the City only upon presentation of the Board of Aldermen of a petition signed by two-thirds (⅔) of the property owners whose property abuts on the street, or cross-streets and within one thousand (1,000) feet of such proposed junk yard or place of outside storage.

Section 215.180. Punishment.

[Ord. No. 813 §12, 7-7-1987; Ord. No. 1036 §1, 12-18-2001]

Any person convicted of violating any of the provisions of this Article shall be guilty of a misdemeanor and shall be punished by a fine of not less than one dollar ($1.00) and no more than five hundred dollars ($500.00).

ARTICLE III
Weeds

Section 215.190. Weeds.

A. *Failure To Keep Weeds, High Grass, And Brush Cut And Removed, A Nuisance.* All persons owning or occupying any lot or tract of land in the City shall keep the weeds, high grass, and brush growing on such property cut and removed. Whenever such weeds, high grass or brush shall attain the height of eighteen (18) inches, it shall be deemed a public nuisance. **[Ord. No. 1256 §1, 4-15-2014]**

B. *Unlawful To Maintain Such Nuisance.* It shall be unlawful for any person to create or maintain a nuisance as defined in Subsection (A).

C. *Liability.* Whenever weeds, in violation of Subsection (A) of this Section, are allowed to grow on any part of any lot or ground within the City, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable.

D. *Notice.* The Chief of Police shall give a hearing after ten (10) days' notice thereof, either personally or by United States mail to the owner or owners, or his/her or their agents, or by posting such notice on the premises; thereupon, the Chief of Police may declare the weeds to be a nuisance and order the same to be abated within five (5) days.

E. *Disposition.* In case the weeds are not cut down and removed within the five (5) days, the Chief of Police shall have the weeds cut down and removed, and shall certify the costs of same to the City Clerk.

F. *Tax Bill.* The City Clerk shall cause a special tax bill therefor against the property to be prepared and to be collected by the Collector, with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the City Clerk and delivered to the Collector on or before the first (1st) day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent (8%) per annum.

Chapter 220

SOLID WASTE

ARTICLE I
General Provisions

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ARTICLE II
Bi-Annual Refuse Pick Up Day

Section 220.100. Clean Up Day — Quarterly or Bi-Annual Basis Policy.

Cross Reference — As to the city's intent to participate in the formation of region D solid waste management district see ord. no. 870, adopted on August 5, 1993, which is on file in the office of the city clerk.

ARTICLE I
General Provisions

Section 220.010. Definitions.

[Ord. No. 794 §1, 5-6-1986; Ord. No. 1003 §1, 10-17-2000]

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

APPROVED INCINERATOR — An incinerator which complies with all current regulations of the responsible local, State, and Federal Air Pollution Control Agencies.

BULKY RUBBISH — Non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefor.

CITY — The City of Lathrop, Missouri.

COLLECTION — Removal of solid waste from the designated pickup location to the transportation vehicle.

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

DIRECTOR — The Director of the Solid Waste Management Program of the City shall be the Mayor.

DISPOSABLE SOLID WASTE CONTAINER — Disposable plastic or paper sacks with a capacity of twenty (20) to thirty-five (35) gallons specifically designed for storage of solid waste.

DWELLING UNIT — Any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

HAZARDOUS WASTE — Any waste or combination of wastes, as determined by State, Federal or other applicable governmental bodies pursuant to Statutes, rules or regulations, which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a present or potential threat to the health of humans or the environment.

MULTIPLE HOUSING FACILITY — A housing facility containing more than one (1) dwelling unit under one (1) roof.

OCCUPANT — Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

PERSON — Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, or organization of any kind, or their legal representative, agent of assigns.

PROCESSING — Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

SOLID WASTE — Unwanted or discarded waste materials in a solid or semi-solid state, including but not limited to garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, discarded appliances, special wastes, industrial wastes, and demolition and construction wastes.

1. *Commercial solid waste:* Solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.

2. *Residential solid waste:* Solid waste resulting from the maintenance and operation of dwelling units.

SOLID WASTE CONTAINER — Receptacle used by any person to store solid waste during the interval between solid waste collections.

SOLID WASTE DISPOSAL — The process of discarding or getting rid of unwanted material. In particular the final deposition of solid waste by man.

SOLID WASTE MANAGEMENT — The entire solid waste system of storage, collection, transportation, processing and disposal.

STORAGE — Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

TRANSPORTATION — The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

YARD WASTES — Leaves, grass clippings, yard or garden vegetation, tree limbs, Christmas trees or like matter.

Section 220.020. Solid Waste Storage.

[Ord. No. 794 §2, 5-6-1986]

A. The occupant or owner of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the City, shall provide sufficient and adequate containers for the storage of all solid waste except bulky rubbish and demolition and construction waste to serve each such dwelling unit and/or establishment; and to maintain such solid waste containers at all times in good repair.

B. The occupant or owner of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.

C. Residential solid waste shall be stored in containers of not more than thirty-five (35) gallons nor less than twenty (20) gallons in nominal capacity. Containers shall be leakproof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual container and contents shall not exceed seventy-five (75) pounds. Galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather, may be used. Disposable solid waste containers with suitable frames or containers with suitable frames or containers as approved by the Mayor may also be used for storage of residential solid waste.

D. Commercial solid waste shall be stored in solid waste containers as approved by the Mayor. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth in Section 220.070.

E. Tree limbs less than four (4) inches in diameter and brush shall be securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter

when not placed in storage containers. The weight of any individual bundle shall not exceed seventy-five (75) pounds.

F. Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights-of-way. The weight of any individual container and contents shall not exceed seventy-five (75) pounds.

G. Solid waste containers which do not meet the specifications as outlined in this Section will be collected together with their contents and disposed of.

Section 220.030. Collection of Solid Waste.

[Ord. No. 794 §3, 5-6-1986; Ord. No. 1003 §2, 10-17-2000]

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

1. The City shall provide for the collection of all residential solid waste except hazardous wastes, yard waste, and demolition or construction waste in the City, provided however, that the City may provide the collection service by contracting with a person, County, or other City or a combination thereof, for the entire City or portions thereof, as deemed to be in the best interests of the City.

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

B. All solid waste from premises to which collection services are provided by the City shall be collected, except bulky rubbish and yard waste as defined herein. Bulky rubbish will be collected in accordance with the rules and regulations as promulgated by the Mayor. Hazardous wastes shall be disposed of by all residents according to the applicable Federal or State law.

C. Solid waste containers as required by this Chapter for the storage of other residential solid waste shall be placed (at the curb, alley, or the rear of the building) for collection. Any solid waste containers permitted by this Chapter to be placed at the curb or alley for collection shall not be so placed until the regularly scheduled collection day.

D. Bulky rubbish and yard waste shall be collected at least once annually. The Mayor shall establish the procedure for collecting bulky rubbish.

E. Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approval by the Mayor.

F. The following collection frequencies shall apply to collections of solid waste within the City:

All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. All commercial solid waste shall be collected at least once weekly and shall be collected at such lesser intervals as may be fixed by the Mayor or requested by the commercial establishment upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.

G. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel.

H. Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, shall be responsible for the collection of solid waste from the designated pickup location to the transportation vehicle provided the solid waste was stored in compliance with the provisions set forth in this Chapter. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

Section 220.040. Transportation of Solid Waste.

[Ord. No. 794 §4, 5-6-1986]

A. All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternative, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

B. Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities, however, all such material shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.

C. Demolition and construction wastes shall be transported to a disposal area as provided in Section 220.050(A). A permit shall not be required for the hauling of demolition and construction waste, however, all such material shall be conveyed in tight vehicles, trucks, or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.

Section 220.050. Disposal of Solid Waste.

[Ord. No. 794 §5, 5-6-1986; Ord. No. 1003 §3, 10-17-2000]

A. Solid wastes shall be deposited at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 to 260.255, RSMo., and the rules and regulations adopted thereunder. The City may designate the processing or disposal facility to be utilized by persons operating under Section 220.060 of this Chapter.

B. Hazardous wastes will require special handling and shall be disposed of only in a manner authorized by State or Federal rules or regulations.

Section 220.060. Permits.

[Ord. No. 794 §6, 5-6-1986; Ord. No. 1003 §4, 10-17-2000]

A. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City, without first obtaining an annual permit therefor from the City; provided however, that this provision shall not be deemed to apply to employees of the holder of any such permit.

B. *Contractors.*

1. Contractor shall provide a general comprehensive public liability policy and, in addition thereto, shall provide a policy for each vehicle used in the work covered by this agreement, liability insurance to the City in a sum of not less than one hundred thousand dollars ($100,000.00) for any one (1) person and the sum of three hundred thousand dollars ($300,000.00) for any two (2) or more persons who may be injured in any one (1) accident, and the sum of twenty-five thousand dollars ($25,000.00) for any property damage at any time by reason of the carelessness or legally recognizable negligence of the driver or operator of each such vehicle used in the work covered by this agreement. Such insurance shall be maintained in force during the term of this contract. Said insurance shall specifically name the City of Lathrop as an insured party under said policies, and said insurance shall be carried in a firm or corporation which has been duly licensed or permitted to carry on such business in the State of Missouri. A certified copy of such insurance policy or policies shall be filed with the City, together with the certificate of the insurer that the policy or policies are in full force and effect and that the same will not be altered, amended or terminated without thirty (30) days' prior written notice having been given to City.

2. Contractor shall furnish City with adequate evidence that contractor has obtained and is maintaining in force Workmen's Compensation insurance as prescribed and if required by the laws of the State of Missouri.

3. Contractor shall furnish the City, and maintain during the term of the contract, a performance bond acceptable to City in a penal sum of three thousand dollars ($3,000.00) with good and sufficient surety acceptable to City and conditioned

upon contractor performing his/her duties and obligations provided for in this agreement.

C. Each applicant for any such permit shall state in his/her application therefor:

1. The nature of the permit desired, as to collect, transport, process, or dispose of solid waste or any combination thereof;

2. The characteristics of solid waste to be collected, transported, processed, or disposed;

3. The number of solid waste transportation vehicles to be operated thereunder;

4. The precise location or locations of solid waste processing or disposal facilities to be used;

5. Boundaries of the collection area; and

6. Such other information as required by the Mayor.

D. If the application shows that the applicant will collect, transport, process or dispose of solid wastes without hazard to the public health or damage to the environment and in conformity with the laws of the State of Missouri and this Chapter, the Mayor may issue the permit authorized by this Chapter. The Mayor shall have the authority to limit the number of annual permits issued under this Section in order to preserve the health, comfort, safety and welfare of the residents, to promote energy conservation, and to provide for collection and disposal consistent with good solid waste management practices. The permit shall be issued for a period of one (1) year, and each applicant shall pay therefor a fee of one thousand dollars ($1,000.00) for each permit. If modifications can be made to the application regarding service, equipment, or mode of operation, so as to bring the application within the intent of this Chapter, the Mayor shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.

E. If the applicant does not make the modifications pursuant to the notice in Subsection (D) within the time limit specified therein, or if the application does not clearly show that the collection, transportation, processing or disposal of solid wastes will create no public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the Mayor, in writing, stating the reason for such denial. Nothing in this Section shall prejudice the right of the applicant to reapply — after the rejection of his/her application provided that all aspects of the reapplication comply with the provisions of this Chapter. Nothing in this Section shall prevent the denial of a permit should the total number of permits have already been issued.

F. The permit may be renewed upon payment of the fee or fees as designed herein if the business has not been modified, the collection vehicles meet the requirements of Section 220.040 of this Chapter, and the renewal is approved by the Mayor. If modifications have been made, the applicant shall reapply for a permit as set forth in Subsections (B) and (C). No permits authorized by this Chapter shall be transferrable from person to person.

G. In order to insure compliance with the laws of this State, this Chapter and the rules and regulations authorized herein, the Mayor is authorized to inspect all phases of solid waste management within the City of Lathrop. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this Chapter, the rules and regulations authorized herein for storage, collection, transportation, processing or disposal of solid waste or the laws of the State of Missouri, the Mayor shall issue notice for each such violation stating therein the violation or violations found, the time and date, and the corrective measure to be taken, together with the time in which such corrections shall be made.

H. In all cases, when the corrective measures have not been taken within the time specified, the Mayor shall suspend or revoke the permit or permits involved in the violation, however, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one (1) extension of time not to exceed the original time period may be given.

I. In the event a permit is revoked and the person continues to operate, the Mayor may request the action of a court of law to enjoin the acts and to enforce compliance with this Chapter or any rule or regulation promulgated thereunder. In any such action, the court may grant to the City such prohibitory or mandatory injunctive relief as the facts may warrant.

J. Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the Mayor may, within ten (10) days of the act for which redress is sought appeal directly to the Board of Aldermen in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

K. All motor vehicles operating under any permit required by this Chapter shall display the number or numbers on each side in colors which contrast with that of the vehicle, such numbers to be clearly legible and not less than four (4) inches high. Each permit for processing or disposal facilities shall be prominently displayed at the facility.

Section 220.070. Rules and Regulations.

[Ord. No. 794 §7, 5-6-1986]

A. The Mayor shall make, amend, revoke, and enforce reasonable rules and regulations, governing, but not limited to:

1. Preparation, drainage and wrapping of garbage deposited in solid waste containers.

2. Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.

3. Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any.

4. Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.

5. Storage of solid waste in solid waste containers.

6. Sanitation, maintenance and replacement of solid waste containers.

7. Schedules of and routes for collection and transportation of solid waste.

8. Collection points of solid waste containers.

9. Collection transportation, processing and disposal of solid waste.

10. Processing facilities and fees for the use thereof.

11. Disposal facilities and fees for the use thereof.

12. Records of quantity and type of wastes received at processing and/or disposal facilities.

13. Handling of special wastes such as sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.

B. The City Clerk or such other City Official who is responsible for preparing utility and other service charge billings for the City, is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided for.

C. A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the City Clerk of the City.

Section 220.080. Prohibited Practices.

[Ord. No. 794 §8, 5-6-1986]

A. It shall be unlawful for any person to:

1. Deposit solid waste in any solid waste container other than his/her own, without the written consent of the owner of such container and/or, with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal;

2. Fail to have solid waste collected as provided in this Chapter;

3. Interfere in any manner with solid waste collection and transportation equipment, or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City, or those of a solid waste collection agency operating under contract with the City;

4. Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;

5. Dispose of solid waste at any facility or location which is not approved by the City and the Missouri Department of Natural Resources;

6. Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without a permit from the City, or operate under an expired permit, or operate after a permit has been suspended or revoked;

7. Violate any Section of this Chapter or any other rule or regulation promulgated under the authority of Section 220.070.

Section 220.090. Solid Waste Disposal Fees, Billing Practices, Late Fee Charges and Collection Expenses.

[Ord. No. 1039 §§1 — 2, 1-22-2002; Ord. No. 1193 §4, 9-15-2009]

The fee for the collection and disposal of solid waste to be paid by all residents in the City of Lathrop, Missouri, shall be thirteen dollars fifty cents ($13.50) per month. In addition, all such fees for the collection of solid waste charged to the residents of the City of Lathrop, Missouri, shall be billed to the residents of Lathrop, Missouri, as part of their water and sewer bill sent to them on a monthly basis. Section 700.080 provides for the collection of a five percent (5%) penalty on all water service bills unpaid after the due date and for the collection of interest at the rate of one and one-half percent (1½%) per month for any water bill more than sixty (60) days past due as is set forth in such Section 700.080 and further provides that any collection charges, court costs, attorney's fees, credit collection fees or other such costs as set forth in said Section to be added to the balance owed by the customer. Such provisions of such Section shall be equally applicable to the balance due for any solid waste collection fees that any resident of the City of Lathrop shall fail to pay on a timely basis in the same manner and to the same extent as is provided for in Section 700.080. The City of Lathrop may turn such unpaid solid waste collection fees due and owing to the City over to a collection service or company for collection if the bill is unpaid for more than sixty (60) days.

Section 220.095. Service Charges for Low Income Residents.

[Ord. No. 940 §1, 6-9-1998; Ord. No. 1264 §1, 7-15-2014]

Qualifications to receive the reduced monthly fee for residential solid waste collection for low-income residents shall be based on the latest Federal poverty guidelines as established by the United States Department of Health and Human Services. Such fee for low-income residents shall be available for those residents of the City of Lathrop whose age is sixty-two (62) or over and who derive their sole support from social security or government programs and who meet the latest income requirements per Federal poverty guidelines. Residents of the City of Lathrop may request an application to apply for such assistance from the City Clerk if their income is believed to be below the poverty level per the aforementioned guidelines. The City Clerk may request such supporting evidence for the information contained in the application as deemed necessary in the circumstances. If a household qualifies for the reduced rate, the City of Lathrop shall pay one-half (1/2) of the monthly fee, and the resident shall pay the remainder of the fee.

ARTICLE II
Bi-Annual Refuse Pick Up Day

Section 220.100. Clean Up Day — Quarterly or Bi-Annual Basis Policy.

[Ord. No. 921 §§1 — 2, 5-13-1997; Ord. No. 978 §1, 9-14-1999; Ord. No. 1003 §5, 10-17-2000]

A. The Board of Aldermen, after carefully considering the issue, have hereby by this Section declared that on a bi-annual basis the City of Lathrop shall have a "clean up day". On such clean up day any solid waste that is acceptable at a Missouri landfill can be brought by the citizens of Lathrop to a designated location on the dates and during the times indicated and the City of Lathrop will pay the cost of disposing of such refuse.

B. The Board of Aldermen shall designate two (2) days in each year on an annual basis as a clean up day. Notice shall be given to the citizens of Lathrop as to which days are the clean up days and location of the point in Lathrop to bring their solid waste.

Chapter 225

CIVIL DEFENSE

Section 225.010. Establishment.

Section 225.020. Organization.

Section 225.030. Functions.

Section 225.040. Coordinator.

Section 225.050. Executive Officer.

Section 225.060. Emergency Services.

Section 225.070. In the Event of Enemy Attack.

Section 225.080. Oath.

Section 225.090. Authority to Designate Space — to Whom.

Section 225.010. Establishment.

[Ord. No. 626 §1, 7-26-1971]

There is hereby created a Civil Defense Organization, known as Lathrop Civil Defense Unit, 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 the military forces are primarily responsible) in accordance with "The Missouri Civil Defense Act, Chapter 44, RSMo.

Section 225.020. Organization.

[Ord. No. 626 §2, 7-26-1971]

This Organization shall consist of a Coordinator and other additional members to be selected by the Coordinator in order to conform to the State Organization and procedures for the conduct of emergency operations as outlined in the Missouri Disaster Operations Plan.

Section 225.030. Functions.

[Ord. No. 626 §3, 7-26-1971]

The Municipal Organization shall perform Civil Defense functions within the territorial limits of the City of Lathrop, and may conduct these functions outside of the territorial limits as may be required pursuant to the provisions of the Missouri Civil Defense Act, Chapter 44, RSMo.

Section 225.040. Coordinator.

[Ord. No. 626 §4, 7-26-1971]

A. The Coordinator of the Municipal Organization for the conduct of emergency operations will be appointed by the Mayor or his/her designee and shall serve until removed by him/her.

B. The Coordinator shall have direct responsibility for the organization, administration and operation of local disaster planning for Civil Defense, subject to the direction and control of the Mayor or the Board of Aldermen, as provided by Statute.

C. The Coordinator is authorized to select and obtain Federal Government Surplus Property through the State Disaster Planning and Operations Office, Civil Defense, and State Department of Education. The Coordinator shall obtain the necessary approval to obligate the City for the handling charge imposed by the Department of Education — State Agency for Surplus Property. The Coordinator may delegate authority to obtain Surplus Property at the State Agency for Surplus Property warehouse with the approval of the Chief Executive Officer.

D. The Coordinator shall be responsible for maintaining records on use and disposal of all items of equipment placed under the jurisdiction of the Civil Defense office.

E. The Coordinator is authorized to submit all materials and sign all documents requested by the State Disaster Planning and Operations Office, Civil Defense to qualify the City for participation in Federal contributions for Civil Defense Personnel and Administrative Expense Program under P.L. 85-606.

F. The Coordinator shall appoint, provide, or remove rescue teams, Auxiliary Fire and Police personnel and other emergency operations teams, units or personnel who may serve without compensation and in addition will appoint a staff to complete the Civil Defense Unit.

Section 225.050. Executive Officer.

[Ord. No. 626 §5, 7-26-1971]

The *"Mayor or his/her designee"* shall be defined for purposes of this act to mean the Mayor, City Manager, or other official appointed by the Board of Aldermen or elected by the public to administer the City Government and its operations.

Section 225.060. Emergency Services.

[Ord. No. 626 §6, 7-26-1971]

In the event of an emergency, and during such emergency only, as defined in the Missouri Civil Defense Act, Chapter 44, RSMo., the Municipal Coordinator of Civil Defense, is authorized on behalf of the municipality, to procure such services, supplies, equipment, or material without regard to the statutory procedures or formalities normally prescribed by law pertaining to municipal contracts or obligations, as authorized by the Missouri Civil Defense Act, Chapter 44, RSMo., provided that, if the Board of Aldermen meets at such time, he/she shall act subject to the directions and restrictions imposed by that body.

Section 225.070. In the Event of Enemy Attack.

[Ord. No. 626 §7, 7-26-1971]

In the event of enemy attack, the Mayor, or Board of Aldermen may waive any time consuming procedures and formalities otherwise required by Statutes pertaining to the advertisement for bids for the performance of public work or entering into contracts.

Section 225.080. Oath.

[Ord. No. 626 §8, 7-26-1971]

No person shall be employed or associated in any capacity in any organization established under this act who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or in this State or the overthrow of any government in the United States by force or violence, or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in the Lathrop Civil Defense Unit shall, before entering upon his/her 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 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 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 Lathrop Civil Defense Unit I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence.

Section 225.090. Authority to Designate Space — to Whom.

[Ord. No. 626 §9, 7-26-1971]

The Mayor, City Manager, or Board of Aldermen is authorized to designate space in any municipally owned or leased building for the Lathrop Civil Defense organization as its office.

Chapter 230

CITY PARKS

Section 230.010. Hours of Use.

Section 230.010. Hours of Use.

[Ord. No. 745 §1, 7-11-1980; Ord. No. 932 §1, 5-12-1998]

All City parks shall be open from 7:00 A.M. until 11:00 P.M.

Chapter 235

HUMAN RELATIONS

ARTICLE I
In General

Section 235.010. Purposes of Chapter.

Section 235.020. Definitions.

ARTICLE II
Commission on Human Rights

Section 235.030. Commission Created — Membership — Qualifications — Terms — Vacancies.

Section 235.040. Officers — Meeting and Quorum — Rules and Procedures — Compensation — Attendance — Training.

Section 235.050. Functions, Powers and Duties.

ARTICLE III
Discriminatory Practices

Section 235.060. Unlawful Housing Practices.

Section 235.070. Discrimination in Commercial Real Estate Loans.

Section 235.080. Discrimination in Selling or Renting by Real Estate Agencies Prohibited.

Section 235.090. Discrimination in Public Accommodations Prohibited — Exceptions.

Section 235.100. Additional Unlawful Discriminatory Practices.

Section 235.110. Exemptions.

ARTICLE IV
Enforcement Procedures

Section 235.120. Complaints.

Section 235.130. Complaints — Investigation — Conciliation and Mediation.

Section 235.140. Prosecutions — Time Limitations.

Section 235.150. Penalty for Violation.

Editor's Note — Ord. no. 1198, adopted April 26, 2010, concerning "fair housing" was not codified as it was passed in conjunction with the CDBG program application.

ARTICLE I
In General

Section 235.010. Purposes of Chapter.

A. The purposes of this Chapter are:

1. To secure for all individuals within the City freedom from any discriminatory practice made unlawful by Article III of this Chapter.

2. To implement within the City the policies embodied in Missouri and Federal human rights legislation, and to promote cooperation between the City and the State and Federal agencies enforcing that legislation.

3. To provide a City Commission on Human Rights which is dedicated to the elimination of discriminatory practices made unlawful by Article III of this Chapter.

Section 235.020. Definitions.

For the purposes of this Chapter the following terms shall be deemed to have the meanings indicated below:

COMMISSION — The Lathrop Commission on Human Rights.

COMPLAINANT — A person who has filed a complaint with the Commission alleging that another person has engaged in a prohibited discriminatory practice.

DISCRIMINATION — Any unfair treatment based on race, color, religion, national origin, ancestry, sex, handicap, or familial status as it relates to housing.

DWELLING — Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

FAMILIAL STATUS — One (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with:

1. A parent or another person having legal custody of such individual; or

2. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

HANDICAP — A physical or mental impairment which substantially limits one or more of a person's major life activities, a condition perceived as such, or a record of having such an impairment, which with or without reasonable accommodation does not interfere with utilizing the place of public accommodation, or occupying the dwelling in question. For purposes of this Chapter, the term *"handicap"* does not include current, illegal use of or addiction to a controlled substance as such term is defined by Section 195.010, RSMo., however, a person may be considered handicapped if that person:

1. Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of, and is not currently addicted to, a controlled substance or

has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;

2. Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or

3. Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance.

HOUSING FOR OLDER PERSONS — Housing:

1. Provided under any State or Federal program that the Commission determines is specifically designed and operated to assist elderly persons, as defined in the State or Federal program; or

2. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or

3. Intended and operated for occupancy by at least one person fifty-five (55) years of age or older per unit.

Housing qualifies as housing for older persons under this Chapter if:

1. The housing has significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and
2. At least eighty percent (80%) of the units are occupied by at least one (1) person fifty-five (55) years of age or older per unit; and
3. The owner or manager of the housing has published and adhered to policies and procedures which demonstrate an intent by said owner or manager to provide housing for persons fifty-five (55) years of age or older.

PERSON — Includes one (1) or more individuals, corporations, partnerships, associations, organizations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries, or other organized groups of persons.

PLACES OF PUBLIC ACCOMMODATION — All places or businesses offering or holding out to the general public, goods, services, privileges, facilities, advantages or accommodations for the peace, comfort, health, welfare and safety of the general public or such public places providing food, shelter, recreation and amusement, including, but not limited to:

1. Any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five (5) rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his/her residence;

2. Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment;

3. Any gasoline station, including all facilities located on the premises of such gasoline station and made available to the patrons thereof;

4. Any motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment;

5. Any public facility owned, operated, or managed by or on behalf of this State or any agency or subdivision thereof, or any public corporation; and any such facility supported in whole or in part by public funds;

6. Any establishment which is physically located within the premises of any establishment otherwise covered by this Section or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment;

RENT — Includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant;

RESPONDENT — A person who is alleged to have engaged in a prohibited discriminatory practice in a complaint filed with the Commission;

UNLAWFUL DISCRIMINATORY PRACTICE — Any act that is unlawful under this Chapter.

ARTICLE II
Commission on Human Rights

Section 235.030. Commission Created — Membership — Qualifications — Terms — Vacancies.

There is hereby established a Commission on Human Rights. The Commission shall consist of three (3) members, who shall be appointed by a majority of the members of the Board of Aldermen from among the residents of the City and who shall serve as such without compensation. The Board of Aldermen shall endeavor to include individuals on the Commission from various protected categories that have historically been discriminated against. Of the three (3) members first appointed, one (1) shall be appointed for one (1) year, one (1) shall be appointed for two (2) years and one (1) shall be appointed for three (3) years. Thereafter, appointment shall be for terms of three (3) years. In the event of the death, resignation or removal of any member, his/her successor shall be appointed to serve for the unexpired period of the term for which such member had been appointed.

Section 235.040. Officers — Meeting and Quorum — Rules and Procedures — Compensation — Attendance — Training.

A. The Commission shall elect a Chairperson, Vice-Chairperson, and Secretary from among its members and create and fill such other offices as it may determine. The term of such elective officers shall be for one (1) year.

B. The Commission shall meet periodically as necessary. The Chairperson shall preside at all meetings. Two (2) members shall constitute a quorum at any meeting.

C. The Commission shall adopt rules and procedures for the conduct and transaction of its business and shall keep a record of its proceedings.

D. Any Commission member having three (3) unscheduled absences without good cause within a period of one (1) year, or who shall be absent from three (3) consecutive regular meetings without consent of the Chairperson or person acting in such Chairperson's stead, shall automatically forfeit such office, and the Chairperson shall promptly notify the Board of Aldermen through the City Clerk of such vacancy.

Section 235.050. Functions, Powers and Duties.

A. The Commission shall have the following functions, powers and duties:

1. To encourage fair treatment for and to foster mutual understanding and respect among, and to discourage discrimination against, any racial, ethnic, religious or other group protected by this Chapter, members of these groups or handicapped persons.

2. To formulate and carry out educational programs designed to minimize or eliminate those discriminatory practices made unlawful by Article III of this Chapter.

3. To receive and investigate complaints alleging any discriminatory practices made unlawful by Article III of this Chapter.

4. To implement the purposes of this Chapter by conference, conciliation and persuasion so that persons may be guaranteed their civil rights and good will be fostered.

5. To provide mediation services to resolve incidences of alleged discriminatory practices made unlawful by Article III of this Chapter.

6. To cooperate with other organizations, private and public, to discourage discrimination.

7. To advise the Board of Aldermen on human rights issues.

8. To hold public hearings on the state of human rights and relations in the City and on specific human rights issues.

9. To sponsor or initiate specifically targeted workshops and on-going programs to improve human relations and to decrease tensions in the City.

10. To present informational programs on human rights to school, business, service and other organizations.

11. To formulate policies and to adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of this Chapter and said policies of the Commission in connection therewith.

12. To provide each year to the Board of Aldermen a full written report of all its activities and of its recommendations.

ARTICLE III
Discriminatory Practices

Section 235.060. Unlawful Housing Practices.

A. It shall be an unlawful housing practice:

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

2. To 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, national origin, ancestry, sex, handicap, or familial status.

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

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

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

6. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:

   a. That buyer or renter;

   b. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

   c. Any person associated with that buyer or renter;

7. To 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 with such dwelling, because of a handicap of:

   a. That person;

   b. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

   c. Any person associated with that person.

B. For purposes of Sections 235.060, 235.070, and 235.080 discrimination includes:

1. A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

2. A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

3. In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:

   a. The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;

   b. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

   c. All premises within such dwellings contain the following features of adaptive design:

      (1) An accessible route into and through the dwelling;

      (2) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

      (3) Reinforcements in bathroom walls to allow later installation of grab bars; and

      (4) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

C. As used in Subdivision (3) of Subsection (B) of this Section, the term *"covered multifamily dwelling"* means:

1. Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and

2. Ground floor units in other buildings consisting of four (4) or more units.

D. Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for physically handicapped people, commonly cited as "ANSI A117.1", suffices to satisfy the requirements of Subsection (B)(3) of this Section.

Section 235.070. Discrimination in Commercial Real Estate Loans.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance because of race, color, religion, national origin, ancestry, sex, handicap or familial status to a person applying therefor for the purpose of purchasing, construction, improving, repairing, or maintaining a dwelling, or to discriminate against him/her in fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, national origin, ancestry, sex, handicap, or familial status of such person or of any person associated with him/her in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants, of the dwellings in relation to which such loan or other financial assistance is to be made or given.

Section 235.080. Discrimination in Selling or Renting by Real Estate Agencies Prohibited.

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service organization, or facility relating to the business of selling or renting dwellings, on account of race, color, religion, national origin, ancestry, sex, handicap, or familial status.

Section 235.090. Discrimination in Public Accommodations Prohibited — Exceptions.

A. All persons within the City of Lathrop are free and equal and shall be entitled to the full and equal use and enjoyment within this State of any place of public accommodation, as hereinafter defined, without discrimination or segregation on the grounds of race, color, religion, national origin, sex, ancestry, or handicap.

B. It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person, or to attempt to refuse, withhold from or deny any other person, any of the accommodations, advantages, facilities, services, or privileges made available in any place of public accommodation, as defined in Section 235.020 and this Chapter, or to segregate or discriminate against any such person in the use thereof on the grounds of race, color, religion, national origin, sex, ancestry, or handicap.

C. The provisions of this Section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association or society, or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in Section 235.020 and this Section.

Section 235.100. Additional Unlawful Discriminatory Practices.

A. It shall be an unlawful discriminatory practice:

1. To aid, abet, incite, compel, or coerce the Commission of acts prohibited under this Chapter or to attempt to do so;

2. To retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this Chapter or because such person has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this Chapter;

3. For the City to discriminate on the basis of race, color, religion, national origin, sex, ancestry, age, as it relates to employment, handicap, or familial status as it relates to housing; or

4. To discriminate in any manner against any other person because of such person's association with any person protected by this Chapter.

Section 235.110. Exemptions.

A. Nothing in this Chapter shall be construed to:

1. Require the Commission to review or approve the plans, designs or construction of all covered dwellings, to determine whether the design and construction of such dwellings are consistent with the requirements of Subsection (B)(3) of Section 235.060.

2. To invalidate or limit any law of the State or of the City, that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this Chapter.

B. Nothing in Sections 235.060, 235.070 and 235.080:

1. Requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

2. Limits the applicability of any reasonable local restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision of said Sections regarding familial status apply with respect to housing for older persons.

3. Shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance, as defined by Section 195.010, RSMo.

C. Nothing in this Chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this Chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

D. Nothing in this Chapter, other than the prohibitions against discriminatory advertising in Subsection (A)(3) of Section 235.060, shall apply to:

1. The sale or rental of any single-family house by a private individual owner, provided the following conditions are met:

a. The private individual owner does not own or have any interest in more than three (3) single family houses at any one time; and

b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this section applies to only one such sale in any twenty-four (24) month period; or

2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his/her residence.

ARTICLE IV
Enforcement Procedures

Section 235.120. Complaints.

A. Any individual who claims to be aggrieved by a discriminatory practice may file with the Commission a verified complaint in writing stating the name and address of the person alleged to have committed such practice, the particulars thereof, and such other information as may be required by the Commission.

B. Any complaint filed under this Section in which affirmative relief is sought shall state what relief is sought or proposed.

C. All such complaints shall be filed within one hundred eighty (180) days of the date of the alleged discriminatory practice.

D. An individual who files a complaint with the Commission shall be advised of the possibility of filing a complaint with the Missouri Commission on Human Rights.

Section 235.130. Complaints — Investigation — Conciliation and Mediation.

A. Complaints shall be investigated and conciliated or mediated by individuals who have been approved by the Commission and trained in investigation, conciliation and mediation.

B. Upon filing of a complaint, the Chairperson of the Commission shall designate an individual to investigate the allegations. The individual shall promptly investigate such allegations, and if he/she determines that probable cause exists for crediting the allegations of the complaint, he/she shall thereupon undertake to eliminate the alleged discriminatory practice or practices by conference, conciliation and persuasion or mediation, and shall inform the Commission of the results of such efforts. If the individual determines that no such probable cause exists, he/she shall so report to the Commission, which shall thereupon dismiss the complaint without further proceedings, or direct further investigation or, if it determines that probable cause exists for crediting the allegations of the complaint, direct that the alleged discriminatory practice or practices be the subject of conference, conciliation and persuasion or mediation. Neither the members of the Commission nor any person participating in the investigation shall disclose what has occurred in the course of such efforts to conciliate. The determination of probable cause shall be made, and the investigation and conciliation or mediation shall be conducted, in accordance with such rules, regulations and guidelines as the Commission shall prescribe.

C. If such efforts fail to eliminate the alleged discriminatory practice or practices, the complainant shall be referred to the Missouri Commission on Human Rights.

Section 235.140. Prosecutions — Time Limitations.

A. No prosecution for a violation of any provision of this Chapter, shall be commenced unless a complaint shall have first been filed with the Commission and efforts of the Commission to eliminate the alleged violation have failed.

B. The period of limitation for any violation of this Chapter shall not run during any time while a complaint involving the alleged violation is pending before the Commission.

Section 235.150. Penalty for Violation.

Any person who shall violate any provision of this Chapter shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than five hundred dollars ($500.00), or imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment.

Chapter 240

BUILDING IDENTIFICATION

ARTICLE I
Display of Street Numbers

Section 240.010. Dwellings.

Section 240.020. Business or Commercial Buildings.

Section 240.030. Specific Numbers.

Section 240.040. Applicability.

Section 240.050. Penalty.

ARTICLE I
Display of Street Numbers

Section 240.010. Dwellings.

[Ord. No. 1021 §2, 6-12-2001]

The owner of each single-family, multi-family or other dwelling at which people reside shall display, in a conspicuous place on that portion of such dwelling which faces a public street, the street number of such dwelling in Arabic numerals at least four (4) inches in height and in colors that contrast with the color of the dwelling upon which such numbers are placed. Such numbers or letters shall be displayed for each family unit in multi-family dwellings. Such numbers shall be displayed regardless of whether the dwelling is vacant or occupied by tenants.

Section 240.020. Business or Commercial Buildings.

[Ord. No. 1021 §2, 6-12-2001]

The owner of each business or commercial building, including warehouses, factories, service stations, convenience stores, motels, hotels, shops, shopping centers, garages, office buildings, and all other properties in which commercial or business enterprises are doing business, and all government and scholastic buildings, dorms, residences, classroom buildings, and structures appurtenant thereto, and all church buildings and structures, shall display, in a conspicuous place on that portion of such structure that faces a public street, the street number of said structure in Arabic numerals at least six (6) inches in height and in a color that contrasts with the color of the structure upon which such numbers are displayed. Such numbers or letters shall be displayed for each business unit located within one (1) structure. Such numbers shall be displayed regardless of whether such structures are vacant or occupied by tenants.

Section 240.030. Specific Numbers.

[Ord. No. 1021 §2, 6-12-2001]

The numbers required to be displayed under the provisions of this Article shall be those numbers that are determined by the City Administrator or City Clerk of the City of Lathrop, Missouri.

Section 240.040. Applicability.

[Ord. No. 1021 §2, 6-12-2001]

The provisions of this Article shall be applicable to private and non-dedicated streets situated within developments that require plat approval under the ordinances of the City of Lathrop, Missouri.

Section 240.050. Penalty.

[Ord. No. 1021 §2, 6-12-2001]

Any citizen of the City of Lathrop, Missouri, not in compliance with this Article within ninety (90) days after its passage shall receive a written notification from the City Administrator or the City Clerk of passage of this Article and their non-compliance therewith. Any such property owner shall be given an additional sixty (60) days in which to comply with the provisions of this Article. All notice given to property owners will be deemed delivered upon being mailed via the U.S. Postal Service addressed to the owner of such structure at the address of such structure in the City of Lathrop, Missouri. Failure of the owner of any such building in the City of Lathrop to comply with the requirements of Chapter 240 of the Lathrop City Code shall result in a penalty of two dollars ($2.00) per month being imposed upon the owner of such property. Following six (6) months from the date of the passage of this Article any owner of any buildings in the City of Lathrop who has failed to comply with the provisions of this Chapter 240 are to be given written notification of their failure to comply with the provisions of Chapter 240 of the Lathrop City Code and thirty (30) days in which to rectify such non-compliance. Failure of any such party to bring their property into compliance with Chapter 240 as set forth herein shall result in a two dollar ($2.00) per month penalty being imposed upon such property owner.

Chapter 300

GENERAL PROVISIONS

Section 300.010. Model Traffic Code — Adoption and Exceptions.

Section 300.015. Certain Chapters of the Revised Statutes Adopted.

Section 300.020. Definitions.

Section 300.030. Violations.

Section 300.010. Model Traffic Code — Adoption and Exceptions.

[Ord. No. 792 §1, 3-4-1986]

Chapter 300, RSMo., consisting of Sections 300.010 through 300.600, Revised Statutes of Missouri, commonly known as the "Model Traffic Ordinance", is hereby adopted as and for the traffic ordinance of this City, with the exception of the following Sections of said Model Traffic Ordinances, which are not so adopted and which are expressly deleted: Sections 300.070, 300.235, 300.295, 300.320, 300.360, 300.370 — 300.410, 300.430, 300.435, 300.485 — 300.515.

Section 300.015. Certain Chapters of the Revised Statutes Adopted.

[Ord. No. 1181 §1, 3-17-2009]

The Code of Ordinances, City of Lathrop, Missouri is hereby amended to add the following requirements to Title III - Traffic Code, Chapter 300 in addition to RSMo. Chapter 300 Model Traffic Ordinance in their entirety:

RSMo. Chapter 301 Registration and Licensing of Motor Vehicles;

RSMo. Chapter 302 Drivers' and Commercial Drivers' Licenses;

RSMo. Chapter 303 Motor Vehicle Responsibility Law;

RSMo. Chapter 304 Traffic Regulations;

RSMo. Chapter 307 Vehicle Equipment Regulations.

Section 300.020. Definitions.

[Ord. No. 792 §1, 3-4-1986; Ord. No. 1107 §1, 7-19-2005; Ord. No. 1146 §1, 9-18-2007]

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

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

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

AUTHORIZED EMERGENCY VEHICLE — A vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the State Highway Patrol, Police, or Fire Department, Sheriff, Constable or Deputy Sheriff, Traffic Officer, or any privately owned vehicle operated as an ambulance when responding to emergency calls.

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

CENTRAL BUSINESS (OR TRAFFIC) DISTRICT — All streets and portions of streets within the area described by City ordinance as such.

COMMERCIAL VEHICLE — Every vehicle designed, maintained, or used primarily for the transportation of property.

CONTROLLED ACCESS HIGHWAY — Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

CROSSWALK —

1. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway;

2. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

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

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

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

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

INTERSECTION —

1. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one

another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

2. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

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

LOW-SPEED VEHICLE —

1. *Utility vehicle:* Any vehicle that is not less than forty-eight (48) inches in width, has an overall length, including the bumper of not more than one hundred thirty-five (135) inches, has an unladen weight, including fuel and fluids, of more than eight hundred (800) pounds and is equipped with four (4) or morel low pressure tires, a steering wheel and bench or bucket-type seating allowing at least two (2) people to sit side-by-side and may be equipped with a bed or cargo box for hauling materials.

2. *Golf cart:* A vehicle generally used to move people and recreation equipment short distances at speeds of less than fifteen (15) miles per hour. Such cart is generally 4' x 8' x 6' high and weighs more than eight hundred (800) pounds and is equipped with four (4) low pressure tires, a steering wheel and bench or bucket-type seating allowing at least two (2) people to sit side-by-side and may be equipped with a bed or cargo box for hauling materials. Such cart may be powered with a small gasoline engine or electrically with batteries.

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

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

MOTORIZED BICYCLE — Any two (2) wheeled or three (3) wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground.

MOTORIZED PLAY VEHICLE — Includes mini-motorcycles, pocket bikes, motorized scooters and any other vehicle that is capable of transporting a person or persons at a speed in excess of five (5) miles per hour, that is self-propelled by a battery powered electric motor or combustion engine and that is not otherwise defined by Missouri Statutes or the Lathrop City Code as a motor vehicle, motorcycle, bicycle (Lathrop City Code Chapter 380: Bicycle Regulations) or motorized bicycle.

OFFICIAL TIME STANDARD — Whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in the City.

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

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

PASSENGER CURB LOADING ZONE — A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

PEDESTRIAN — Any person afoot.

PERSON — Every natural person, firm, co-partnership, association or corporation.

POLICE OFFICER — Every Officer of the Municipal Police Department or any Officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

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

RAILROAD — A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

RAILROAD TRAIN — A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

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

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

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

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

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

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

STOP — When required, complete cessation from movement.

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

STREET OR HIGHWAY — The entire width between the lines of every way publicly maintained when any part thereof is open to the uses of the public for purposes of vehicular travel. *"State Highway"*, a highway maintained by the State of Missouri as a part of the State Highway system.

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

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

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

TRAFFIC DIVISION — The Traffic Division of the Police Department of the City, or in the event a Traffic Division is not established, then said term whenever used herein shall be deemed to refer to the Police Department of the City.

VEHICLE — Any mechanical device on wheels designed primarily for use or used on highways. The following are not included as vehicles for this definition: motorized bicycles, motorized scooters, motorized play vehicles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or motorized wheelchairs operated by handicapped persons.

Section 300.030. Violations.

[Ord. No. 792 §3, 3-4-1986]

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this Title shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

Chapter 305

TRAFFIC ADMINISTRATION

Section 305.010. Police Administration.

Section 305.020. Duty of Traffic Division.

Section 305.030. Records of Traffic Violations.

Section 305.040. Traffic Division to Investigate Accidents.

Section 305.050. Traffic Accident Studies.

Section 305.060. Traffic Accident Reports.

Section 305.070. Driver Files to Be Maintained.

Section 305.080. Traffic Division to Submit Annual Traffic Safety Report.

Section 305.090. Traffic Division to Designate Method of Identifying Funeral Processions.

Section 305.100. City Traffic Engineer.

Section 305.110. Emergency and Experimental Regulations.

Section 305.010. Police Administration.

[Ord. No. 792 §1, 3-4-1986]

There is established in the Police Department a Traffic Division to be under the control of an Officer of Police appointed by and directly responsible to the Chief of Police.

Section 305.020. Duty of Traffic Division.

[Ord. No. 792 §1, 3-4-1986]

The Traffic Division with such aid as may be rendered by other members of the Police Department shall enforce the street traffic regulations of the City and all of the State vehicle laws applicable to street traffic in the City to make arrests for traffic violations, to investigate accidents and to cooperate with the City Traffic Engineer and other Officers of the City in the administration of the traffic laws and in developing ways and means to improve traffic conditions and to carry out those duties specially imposed upon the Division by this Code and the traffic ordinances of the City.

Section 305.030. Records of Traffic Violations.

[Ord. No. 792 §1, 3-4-1986]

A. The Police Department or the Traffic Division thereof shall keep a record of all violations of the traffic ordinances of the City or of the State vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five (5) year period

and from that time on the record shall be maintained complete for at least the most recent five (5) year period.

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

C. All such records and reports shall be public records.

Section 305.040. Traffic Division to Investigate Accidents.

[Ord. No. 792 §1, 3-4-1986]

It shall be the duty of the Traffic Division, assisted by other Police Officers of the Department, to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

Section 305.050. Traffic Accident Studies.

[Ord. No. 792 §1, 3-4-1986]

Whenever the accidents at any particular location become numerous, the Traffic Division shall cooperate with the City Traffic Engineer in conducting studies of such accidents and determining remedial measures.

Section 305.060. Traffic Accident Reports.

[Ord. No. 792 §1, 3-4-1986]

The Traffic Division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the City Traffic Engineer.

Section 305.070. Driver Files to Be Maintained.

[Ord. No. 792 §1, 3-4-1986]

The Police Department or the Traffic Division thereof shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

Section 305.080. Traffic Division to Submit Annual Traffic Safety Report.

[Ord. No. 792 §1, 3-4-1986]

A. The Traffic Division shall annually prepare a traffic report which shall be filed with the Mayor. Such report shall contain information on traffic matters in the City as follows:

1. The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data.

2. The number of traffic accidents investigated and other pertinent data on the safety activities of the Police.

3. The plans and recommendations of the division for future traffic safety activities.

Section 305.090. Traffic Division to Designate Method of Identifying Funeral Processions.

[Ord. No. 792 §1, 3-4-1986]

The Traffic Division shall designate a type of pennant or other identifying insignia to be displayed upon, or other method to be employed to identify, the vehicles in funeral processions.

Section 305.100. City Traffic Engineer.

[Ord. No. 589 §1, 11-20-1968; Ord. No. 792 §1, 3-4-1986]

A. The office of City Traffic Engineer is established. The Mayor of the City of Lathrop shall serve as City Traffic Engineer in addition to his/her other functions, and shall exercise the powers and duties with respect to traffic as provided in this Title.

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

Section 305.110. Emergency and Experimental Regulations.

[Ord. No. 792 §1, 3-4-1986]

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

B. The City Traffic Engineer may test traffic control devices under actual conditions of traffic.

Chapter 310

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

Section 310.010. Authority of Police and Fire Department Officials.

Section 310.020. Obedience to Police and Fire Department Officials.

Section 310.030. Persons Propelling Push Carts or Riding Animals to Obey Traffic Regulations.

Section 310.040. Use of Coasters, Roller Skates and Similar Devices Restricted.

Section 310.045. Restrictions in City Parks.

Section 310.050. Public Employees to Obey Traffic Regulations.

Section 310.060. Authorized Emergency Vehicles.

Section 310.070. Operation of Vehicles on Approach of Authorized Emergency Vehicles.

Section 310.080. Immediate Notice of Accident.

Section 310.090. Written Report of Accident.

Section 310.100. When Driver Unable to Report.

Section 310.110. Public Inspection of Reports Relating to Accidents.

Section 310.120. Leaving the Scene of a Motor Vehicle Accident.

Section 310.010. Authority of Police and Fire Department Officials.

[Ord. No. 792 §1, 3-4-1986]

A. It shall be the duty of the Officers of the Police Department or such Officers as are assigned by the Chief of Police to enforce all street traffic laws of the City and all of the State vehicle laws applicable to street traffic in the City.

B. Officers of the Police Department or such Officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, Officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

C. Officers of the Fire Department, when at the scene of a fire, may direct or assist the Police in directing traffic thereat or in the immediate vicinity.

Section 310.020. Obedience to Police and Fire Department Officials.

[Ord. No. 792 §1, 3-4-1986]

No person shall willfully fail or refuse to comply with any lawful order or direction of a Police Officer or Fire Department Official.

Section 310.030. Persons Propelling Push Carts or Riding Animals to Obey Traffic Regulations.

[Ord. No. 792 §1, 3-4-1986]

Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this Title applicable to the driver of any vehicle, except those provisions of this Title which by their very nature can have no application.

Section 310.040. Use of Coasters, Roller Skates and Similar Devices Restricted.

[Ord. No. 792 §1, 3-4-1986; Ord. No. 1107 §1, 7-19-2005]

A. No person upon roller skates, or riding in or by means of any coaster, toy vehicle or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This Section shall not apply upon any street while set aside as a play street as authorized by ordinance of the City.

B. No person shall ride on or operate a motorized scooter or motorized play vehicle upon any street, highway, roadway or sidewalk within the City or within the boundaries of any City park.

Section 310.045. Restrictions in City Parks.

[Ord. No. 1107 §1, 7-19-2005]

It shall be unlawful for any person to be upon bicycles, roller skates or skateboards or riding in or by means of any coaster, toy vehicle, motorized scooter, motorized play vehicle or similar device while in or upon any portion of any park premises unless specifically designated therefor; provided however, this provision shall not apply to a show, exhibition, demonstration or other activity which is a part of a special event being sponsored on park premises, nor shall this provision apply to child-carrying devices such as baby strollers, carriages or wagons, or to a disabled person.

Section 310.050. Public Employees to Obey Traffic Regulations.

[Ord. No. 792 §1, 3-4-1986]

The provisions of this Title shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this State, County, or City and it shall be unlawful

for any said driver to violate any of the provisions of this Title, except as otherwise permitted in this Title.

Section 310.060. Authorized Emergency Vehicles.

[Ord. No. 792 §1, 3-4-1986]

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this Section, but subject to the conditions herein stated.

B. The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this Title.

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the maximum speed limits so long as he/she does not endanger life or property;

4. Disregard regulations governing direction of movement or turning in specified directions.

C. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.

D. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his/her reckless disregard for the safety of others.

Section 310.070. Operation of Vehicles on Approach of Authorized Emergency Vehicles.

[Ord. No. 792 §1, 3-4-1986]

A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this State, or of a Police vehicle properly and lawfully making use of an audible signal only:

1. The driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a Police Officer;

2. Upon the approach of an authorized emergency vehicle, as above stated, the motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, except when otherwise directed by a Police Officer.

B. This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Section 310.080. Immediate Notice of Accident.

[Ord. No. 792 §1, 3-4-1986]

The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of five hundred dollars ($500.00) or more to one (1) person shall immediately by the quickest means of communication give notice of such accident to the Police Department if such accident occurs within the City.

Section 310.090. Written Report of Accident.

[Ord. No. 792 §1, 3-4-1986]

The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of five hundred dollars ($500.00) or more to one (1) person shall, within five (5) days after such accident, forward a written report of such accident to the Police Department. The provisions of this Section shall not be applicable when the accident has been investigated at the scene by a Police Officer while such driver was present thereat.

Section 310.100. When Driver Unable to Report.

[Ord. No. 792 §1, 3-4-1986]

A. Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in Section 310.080 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give, or cause to be given, the notice not given by the driver.

B. Whenever the driver is physically incapable of making a written report of an accident as required in Section 310.090 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within five (5) days after the accident make such report not made by the driver.

Section 310.110. Public Inspection of Reports Relating to Accidents.

[Ord. No. 792 §1, 3-4-1986]

A. All written reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the Police Department or other Governmental Agencies having use for the records for accident

prevention purposes, except that the Police Department or other Governmental Agency may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his/her presence at such accident.

B. No written reports forwarded under the provisions of this Section shall be used as evidence in any trial, civil or criminal arising out of an accident except that the Police Department shall furnish upon demand of any party to such trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department in compliance with law, and if such report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved, and the investigating Officers.

Section 310.120. Leaving the Scene of a Motor Vehicle Accident.

A. A person commits the offense of leaving the scene of a motor vehicle accident when being the operator or driver of a vehicle on the highway or on any publicly or privately owned parking lot or parking facility generally open for use by the public and knowing that an injury has been caused to a person or damage has been caused to property, due to his/her culpability or to accident, he/she leaves the place of the injury, damage or accident without stopping and giving his/her name, residence, including city and street number, motor vehicle number and driver's license number, if any, to the injured party or to a Police Officer, or if no Police Officer is in the vicinity, then to the nearest police station or Judicial Officer.

B. For the purposes of this Section, all Peace Officers shall have jurisdiction, when invited by an injured person, to enter the premises of any privately owned parking lot or parking facility for the purpose of investigating an accident and performing all necessary duties regarding such accident.

Chapter 315

TRAFFIC CONTROL DEVICES

Section 315.010. Authority to Install Traffic Control Devices.

Section 315.020. Manual and Specifications for Traffic Control Devices.

Section 315.030. Obedience to Traffic Control Devices.

Section 315.040. When Official Traffic Control Devices Required for Enforcement Purposes.

Section 315.050. Official Traffic Control Devices — Presumption of Legality.

Section 315.060. Traffic Control Signal Legend — Right Turn on Red Light — When.

Section 315.070. Pedestrian Control Signals.

Section 315.080. Flashing Signals.

Section 315.090. Lane Direction Control Signals.

Section 315.100. Display of Unauthorized Signs, Signals or Markings.

Section 315.110. Interference With Official Traffic Control Devices or Railroad Signs or Signals.

Section 315.120. Authority to Establish Play Streets.

Section 315.130. Play Streets.

Section 315.140. City Traffic Engineer to Designate Crosswalks and Establish Safety Zones.

Section 315.150. Traffic Lanes.

Section 315.010. Authority to Install Traffic Control Devices.

[Ord. No. 792 §1, 3-4-1986]

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

Section 315.020. Manual and Specifications for Traffic Control Devices.

[Ord. No. 792 §1, 3-4-1986]

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

Section 315.030. Obedience to Traffic Control Devices.

[Ord. No. 792 §1, 3-4-1986]

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

Section 315.040. When Official Traffic Control Devices Required for Enforcement Purposes.

[Ord. No. 792 §1, 3-4-1986]

No provision of this Title for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular Section does not state that official traffic control devices are required, such Section shall be effective even though no devices are erected or in place.

Section 315.050. Official Traffic Control Devices — Presumption of Legality.

[Ord. No. 792 §1, 3-4-1986]

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

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

Section 315.060. Traffic Control Signal Legend — Right Turn on Red Light — When.

[Ord. No. 792 §1, 3-4-1986]

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

1. *Green indication.*

a. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the

right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection;

c. Unless otherwise directed by a pedestrian control signal as provided in Section 315.070, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

2. *Steady yellow indication.*

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

b. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in Section 315.070 are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

3. *Steady red indication.*

a. Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown except as provided in Paragraph (b) of this Subsection;

b. The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red signal, may cautiously enter the intersection to make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the State Highways and Transportation Commission with reference to an intersection involving a State highway, and local authorities with reference to an intersection involving other highways under their jurisdiction, may prohibit any such right turn against a red signal at any intersection where safety conditions so require, said prohibition shall be effective when a sign is erected at such intersection giving notice thereof;

c. Unless otherwise directed by a pedestrian control signal as provided in Section 315.070, pedestrians facing a steady red signal alone shall not enter the roadway.

4. In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

Section 315.070. Pedestrian Control Signals.

[Ord. No. 792 §1, 3-4-1986]

A. Whenever special pedestrian control signals exhibiting the words "Walk" or "Don't Walk" are in place such signals shall indicate as follows:

1. *"WALK":* Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles;

2. *"WAIT"* or *"DON'T WALK":* No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his/her crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.

Section 315.080. Flashing Signals.

[Ord. No. 792 §1, 3-4-1986]

A. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

1. Flashing red (stop signal), when a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign;

2. Flashing yellow (caution signal), when a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

B. This Section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in Section 335.090 of this Title.

Section 315.090. Lane Direction Control Signals.

[Ord. No. 792 §1, 3-4-1986]

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

Section 315.100. Display of Unauthorized Signs, Signals or Markings.

[Ord. No. 792 §1, 3-4-1986]

No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

Section 315.110. Interference With Official Traffic Control Devices or Railroad Signs or Signals.

[Ord. No. 792 §1, 3-4-1986]

No person shall without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

Section 315.120. Authority to Establish Play Streets.

[Ord. No. 792 §1, 3-4-1986]

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

Section 315.130. Play Streets.

[Ord. No. 792 §1, 3-4-1986]

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

Section 315.140. City Traffic Engineer to Designate Crosswalks and Establish Safety Zones.

[Ord. No. 792 §1, 3-4-1986]

A. The City Traffic Engineer is hereby authorized;

1. To designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his/her opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he/she may deem necessary;

2. To establish safety zones of such kind and character and at such places as he/she may deem necessary for the protection of pedestrians.

Section 315.150. Traffic Lanes.

[Ord. No. 792 §1, 3-4-1986]

A. The City Traffic Engineer is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

B. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

Chapter 320

SPEED REGULATIONS

Section 320.010. State Speed Laws Applicable.

Section 320.020. Regulation of Speed by Traffic Signals.

Section 320.010. State Speed Laws Applicable.

[Ord. No. 792 §1, 3-4-1986; Ord. No. 933 §1, 5-12-1998]

The State traffic laws regulating the speed of vehicles shall be applicable upon all streets within the City, except that the City may by ordinance declare and determine upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof, but no City ordinance shall regulate the speed of vehicles upon controlled access highways of the State except as allowed by the State. In accordance with this Section the attached Schedule IV Speed Limits for the City roads and streets of Lathrop, Missouri, is hereby implemented to control the speed of automobiles in the City of Lathrop.

Section 320.020. Regulation of Speed by Traffic Signals.

[Ord. No. 792 §1, 3-4-1986]

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

Chapter 325

TURNING MOVEMENTS

Section 325.010. Required Position and Method of Turning at Intersection.

Section 325.020. Authority to Place and Obedience to Turning Markers.

Section 325.030. Authority to Place Restricted Turn Signs.

Section 325.040. Obedience to No-Turn Signs.

Section 325.010. Required Position and Method of Turning at Intersection.

[Ord. No. 792 §1, 3-4-1986]

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

1. *Right turns.* Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

2. *Left turns on two-way roadways.* At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half (½) of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

3. *Left turns on other than two-way roadways.* At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

Section 325.020. Authority to Place and Obedience to Turning Markers.

[Ord. No. 792 §1, 3-4-1986]

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

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

Section 325.030. Authority to Place Restricted Turn Signs.

[Ord. No. 792 §1, 3-4-1986]

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

Section 325.040. Obedience to No-Turn Signs.

[Ord. No. 792 §1, 3-4-1986]

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

Chapter 330

ONE-WAY STREETS AND ALLEYS

Section 330.010. Authority to Sign One-Way Streets and Alleys.

Section 330.020. One-Way Streets and Alleys.

Section 330.030. Authority to Restrict Direction of Movement on Streets During Certain Periods.

Section 330.010. Authority to Sign One-Way Streets and Alleys.

[Ord. No. 792 §1, 3-4-1986]

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

Section 330.020. One-Way Streets and Alleys.

[Ord. No. 792 §1, 3-4-1986]

Upon those streets and parts of streets and in those alleys described and designated by ordinance, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

Section 330.030. Authority to Restrict Direction of Movement on Streets During Certain Periods.

[Ord. No. 792 §1, 3-4-1986]

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

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

Chapter 335

STOP AND YIELD INTERSECTIONS

Section 335.010. Through Streets Designated.

Section 335.020. Signs Required at Through Streets.

Section 335.030. Other Intersections Where Stop or Yield Required.

Section 335.040. Stop and Yield Signs.

Section 335.050. Vehicle Entering Stop Intersection.

Section 335.060. Vehicle Entering Yield Intersection.

Section 335.070. Emerging From Alley, Driveway or Building.

Section 335.080. Stop When Traffic Obstructed.

Section 335.090. Right-Of-Way at Intersection.

Section 335.010. Through Streets Designated.

[Ord. No. 792 §1, 3-4-1986]

Those streets and parts of streets described by ordinances of the City are declared to be through streets for the purposes of Sections 335.010 to 335.090.

Section 335.020. Signs Required at Through Streets.

[Ord. No. 792 §1, 3-4-1986]

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

Section 335.030. Other Intersections Where Stop or Yield Required.

[Ord. No. 792 §1, 3-4-1986]

The City Traffic Engineer is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine whether vehicles shall stop at one (1) or more entrances to any such intersection in which event he/she shall cause to be erected a stop sign at every such place where a stop is required, or whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in Subsection (A) of Section 335.040, in which event he/she shall cause to be erected a yield sign at every place where obedience thereto is required.

Section 335.040. Stop and Yield Signs.

[Ord. No. 792 §1, 3-4-1986]

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

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

Section 335.050. Vehicle Entering Stop Intersection.

[Ord. No. 792 §1, 3-4-1986]

Except when directed to proceed by a Police Officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by Subsection (B) of Section 335.040, and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

Section 335.060. Vehicle Entering Yield Intersection.

[Ord. No. 792 §1, 3-4-1986]

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

Section 335.070. Emerging From Alley, Driveway or Building.

[Ord. No. 792 §1, 3-4-1986]

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

Section 335.080. Stop When Traffic Obstructed.

[Ord. No. 792 §1, 3-4-1986]

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

Section 335.090. Right-Of-Way at Intersection.

A. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway, provided, however, there is no form of traffic control at such intersection.

B. When two vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This subsection shall not apply to vehicles approaching each other from opposite directions when the driver of one of such vehicles is attempting to or is making a left turn.

C. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

D. The State Highways and Transportation Commission with reference to State highways and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs or yield signs at specified entrances thereto, or may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to such intersection.

1. Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in this Section:

a. Except when directed to proceed by a Police Officer or traffic-control signal, every driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic in the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

b. The driver of a vehicle approaching a yield sign shall in obedience to the sign slow down to a speed reasonable to the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or

stopping the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such traffic is moving across or within the intersection.

E. The driver of a vehicle about to enter or cross a highway from an alley, building or any private road or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.

F. The driver of a vehicle intending to make a left turn into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction when the making of such left turn would create a traffic hazard.

G. The State Highways and Transportation Commission or local authorities with respect to roads under their respective jurisdictions, on any section where construction or major maintenance operations are being effected, may fix a speed limit in such areas by posting of appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation of Section 340.170.

Chapter 340

MISCELLANEOUS DRIVING RULES

Section 340.010. Following Fire Apparatus Prohibited.

Section 340.020. Crossing Fire Hose.

Section 340.030. Driving Through Funeral or Other Procession.

Section 340.040. Driving in Procession.

Section 340.050. When Permits Required for Parades and Processions.

Section 340.060. Vehicle Shall Not Be Driven on a Sidewalk.

Section 340.070. Limitations on Backing.

Section 340.080. Opening and Closing Vehicle Doors.

Section 340.090. Riding on Motorcycles — Additional Passenger — Requirements.

Section 340.100. Riding Bicycle on Sidewalks, Limitations — Motorized Bicycles Prohibited.

Section 340.110. All-Terrain Vehicles, Prohibited — Exceptions, Operation of Under an Exception — Prohibited Uses — Penalty.

Section 340.120. All-Terrain Vehicles — Operation Where Allowed — Persons Under Sixteen May Not Operate Without Supervision, Exception.

Section 340.130. Riding Bicycles, Sleds, Roller Skates, by Attaching to Another Vehicle — Prohibited.

Section 340.140. Controlled Access.

Section 340.150. Driving Through Safety Zone Prohibited.

Section 340.160. School Bus Regulations.

Section 340.170. Careful and Prudent Driving.

Section 340.180. Loud Vehicle Noises Prohibited.

Section 340.190. Protective Headgear.

Section 340.200. Driving While Intoxicated.

Section 340.210. Driving With Excessive Blood Alcohol Content.

Section 340.220. Chemical Tests for Alcohol Content of Blood — Consent Implied.

Section 340.230. Driving on Right of Highway — Traffic Lanes — Signs.

Section 340.240. Stopped Vehicles.

Section 340.250. Driving on Recently Constructed Bridge or Culvert Prohibited — Notice of Closing.

Section 340.260. Truck Routes.

Section 340.270. Use of Engine Braking Devices (Jake Brakes) Prohibited — When.

Section 340.010. Following Fire Apparatus Prohibited.

[Ord. No. 792 §1, 3-4-1986]

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

Section 340.020. Crossing Fire Hose.

[Ord. No. 792 §1, 3-4-1986]

No vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street, private driveway or streetcar track, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

Section 340.030. Driving Through Funeral or Other Procession.

[Ord. No. 792 §1, 3-4-1986]

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this Title. This provision shall not apply at intersections where traffic is controlled by traffic control signals or Police Officers.

Section 340.040. Driving in Procession.

[Ord. No. 792 §1, 3-4-1986]

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

Section 340.050. When Permits Required for Parades and Processions.

[Ord. No. 792 §1, 3-4-1986]

No funeral, procession or parade containing two hundred (200) or more persons or fifty (50) or more vehicles except the forces of the United States Army or Navy, the military forces of this State and the forces of the Police and Fire Departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the Chief of Police and such other regulations as are set forth herein which may apply.

Section 340.060. Vehicle Shall Not Be Driven on a Sidewalk.

[Ord. No. 792 §1, 3-4-1986]

The driver of a vehicle shall not drive within any sidewalk area except on a permanent or temporary driveway.

Section 340.070. Limitations on Backing.

[Ord. No. 792 §1, 3-4-1986]

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

Section 340.080. Opening and Closing Vehicle Doors.

[Ord. No. 792 §1, 3-4-1986]

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Section 340.090. Riding on Motorcycles — Additional Passenger — Requirements.

[Ord. No. 792 §1, 3-4-1986]

A. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the rear or side of the operator.

B. The operator of a motorized bicycle shall ride only astride the permanent and regular seat attached thereto, and shall not permit more than one (1) person to ride thereon at the same time, unless the motorized bicycle is designed to carry more than one (1) person. Any motorized bicycle designed to carry more than one (1) person must be equipped with a passenger seat and footrests for the use of a passenger.

Section 340.100. Riding Bicycle on Sidewalks, Limitations — Motorized Bicycles Prohibited.

[Ord. No. 792 §1, 3-4-1986]

A. No person shall ride a bicycle upon a sidewalk within a business district.

B. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

C. No person shall ride a motorized bicycle upon a sidewalk.

Section 340.110. All-Terrain Vehicles, Prohibited — Exceptions, Operation of Under an Exception — Prohibited Uses — Penalty.

[Ord. No. 792 §1, 3-4-1986; Ord. No. 1146 §2, 9-18-2007; Ord. No. 1168 §1, 9-16-2008; Ord. No. 1175 §1, 10-21-2008; Ord. No. 1190 §1, 8-7-2009; Ord. No. 1234 §1, 9-13-2012]

A. No person shall operate a low-speed or all-terrain vehicle, as defined in Section 300.020, upon the streets and highways of this City, except as follows:

1. Low-speed or all-terrain vehicles owned and operated by a governmental entity for official use;

2. Low-speed or all-terrain vehicles operated for agricultural purposes or industrial on-premise purposes between the official sunrise and sunset on the day of operation;

3. All-terrain vehicles, except for all-terrain vehicles with a two-stroke cycle engine, and low-speed vehicles whose operators carry a special permit issued by this City pursuant to Section 304.013, RSMo.

B. No person shall operate an off-road vehicle, as defined in Section 304.001, RSMo., low-speed vehicle or all-terrain vehicle within any stream or river in this City, except that such vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon or for the purpose of fording such stream or river of this State at such road crossings as are customary or part of the highway system.

C. A person operating an all-terrain or low-speed vehicle on a street or highway pursuant to an exception covered by this Section shall have a valid, full operator's license or chauffeur's license, but shall not be required to have passed an examination for the operation of a motorcycle and the vehicle shall be operated at speeds of less than thirty (30) miles per hour. When operated on a street or highway, an all-terrain or low-speed vehicle shall have a bicycle safety flag, which extends not less than seven (7) feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be dayglow in color.

D. No person shall operate an all-terrain or low-speed vehicle:

1. In any careless way so as to endanger the person or property of another;

2. While under the influence of alcohol or any controlled substance; or

3. If that person possesses either a temporary instruction permit or intermediate driver's license and not a full driver's license.

E. No person shall operate a low-speed vehicle:

1. In any careless way so as to endanger the person or property of another; or

2. While under the influence of alcohol or any controlled substance.

F. Every owner of a low-speed or all-terrain vehicle to be operated on a City street shall maintain financial responsibility on such vehicle as required by Chapter 303, RSMo.

G. Every owner of an all-terrain vehicle to be operated on a City street shall register said vehicle with the State of Missouri and display a registration decal on said vehicle.

H. The operator of a low-speed or all-terrain vehicle shall observe all traffic laws and local ordinances regarding the rules of the road. A low-speed or all-terrain vehicle shall not be operated on a street or highway with a posted speed limit greater than thirty-five (35) miles per hour. The provisions of this paragraph shall not prohibit a low-speed or all-terrain vehicle from crossing a street or highway with a posted speed limit greater than thirty-five (35) miles per hour.

I. The operator of a low-speed or all-terrain vehicle shall obtain a permit from the City to operate such vehicle on City streets. The Lathrop Chief of Police shall have the authority to issue said permits on a form prescribed and approved by the City Administrator. The permit fee and renewal fee shall each be fifteen dollars ($15.00) and require proof of financial responsibility at the time the permit is requested or renewed. The permit shall be renewed annually and be valid from January first (1st) through December thirty-first (31st) of the calendar year, regardless of when the permit is applied for. Each operator of an all-terrain or slow-moving vehicle shall have a valid permit in his or her possession at all times while operating said vehicle.

J. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.

K. Any operator of a low-speed or all-terrain vehicle who is convicted of any violation related to the operation of such vehicle shall have their permit revoked for a period of one (1) year.

L. A violation of this Section shall be punishable by up to a five hundred dollar ($500.00) fine and/or six (6) months imprisonment.

Section 340.120. All-Terrain Vehicles — Operation Where Allowed — Persons Under Sixteen May Not Operate Without Supervision, Exception.

A. No person shall operate an all-terrain vehicle on private property without the consent of the owner of or lessor thereof. Any person operating an all-terrain vehicle upon lands of another shall stop and identify himself/herself upon the request of the landowner or his/her duly authorized representatives and, if requested to do so by the landowner, shall promptly remove the all-terrain vehicle from the premises.

B. No person under the age of sixteen (16) shall operate an all-terrain vehicle in this City unless such person is accompanied by and under the direct supervision of a parent or guardian or is accompanied by and under the direct supervision of an adult who is authorized by the operator's parent or guardian to supervise the operator. This Subsection

shall not apply on private property owned by the parent or guardian of such person operating the all-terrain vehicle.

Section 340.130. Riding Bicycles, Sleds, Roller Skates, by Attaching to Another Vehicle — Prohibited.

[Ord. No. 792 §1, 3-4-1986]

No person riding upon any bicycle, motorized bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself/herself to any vehicle upon a roadway.

Section 340.140. Controlled Access.

[Ord. No. 792 §1, 3-4-1986]

No person shall drive a vehicle onto or from any controlled access roadway except at such entrances and exits as are established by public authority.

Section 340.150. Driving Through Safety Zone Prohibited.

[Ord. No. 792 §1, 3-4-1986]

No vehicle shall at any time be driven through or within a safety zone.

Section 340.160. School Bus Regulations.

[Ord. No. 858 §§2 — 7, 3-10-1992]

A. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words *"school bus"* in letters not less than eight (8) inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: *"State Law: Stop While Bus Is Loading And Unloading"*. Each school bus shall be equipped with a mechanical and electrical signaling device approved by the State Board of Education, which will display a signal plainly visible from the front and rear and indicating intention to stop.

B. The driver of a school bus in the process of loading or unloading students upon a street or highway shall activate the mechanical and electrical signaling devices, in the manner prescribed by the State Board of Education, to communicate to drivers of other vehicles that students are loading or unloading. No driver of a school bus shall take on or discharge passengers at any location upon a highway consisting of four (4) or more lanes of traffic, whether or not divided by a median or barrier, in such manner as to require the passengers to cross more than two (2) lanes of traffic; nor shall he/she take on or discharge passengers while the vehicle is upon the road or highway proper unless the vehicle so stopped is plainly visible for at least three hundred (300) feet in each direction to drivers of other vehicles upon the highway and then only for such time as is actually necessary to take on and discharge passengers.

C. The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children and whose driver has in the manner prescribed by law given the signal to stop, shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by its driver to proceed.

D. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway, which is proceeding in the opposite direction on a highway containing four (4) or more lanes of traffic, or which is stopped in a loading zone constituting a part of, or adjacent to, a limited or controlled access highway at a point where pedestrians are not permitted to cross the roadway.

E. The driver of any school bus driving upon the highways of this City after loading or unloading school children, should remain stopped if the bus is followed by three (3) or more vehicles, until such vehicles have been permitted to pass the school bus, if the conditions prevailing make it safe to do so.

F. If any vehicle is witnessed by a Police Officer or the driver of a school bus to have violated the provisions of this Section and the identity of the operator is not otherwise apparent, it shall be a rebuttable presumption that the person in whose name such vehicle is registered committed the violation. In the event that charges are filed against multiple owners of a motor vehicle, only one of the owners may be convicted and court costs may be assessed against only one of the owners. If the vehicle which is involved in the violation is registered in the name of a rental or leasing company and the vehicle is rented or leased to another person at the time of the violation, the rental or leasing company may rebut the presumption by providing the Police Officer or prosecuting authority with a copy of the rental or lease agreement in effect at the time of the violation. No prosecuting authority may bring any legal proceeding against a rental or leasing company under this Section unless prior written notice of the violation has been given to that rental or leasing company by registered mail at the address appearing on the registration and the rental or leasing company has failed to provide the rental or lease agreement copy within fifteen (15) days of receipts of such notice.

Section 340.170. Careful and Prudent Driving.

Every person operating a motor vehicle on the highways of this City shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care.

Section 340.180. Loud Vehicle Noises Prohibited.

[Ord. No. 718 §76.1040, 2-8-1978]

A person shall not, anywhere, within the City limits, permit, or cause, or permit to be caused, any loud noise or other sounds by a rapid acceleration of the motor of any motor vehicle, or by causing the backfiring of any motor of any motor vehicle, or by unnecessary sounding of

the horn of any motor vehicle, or by spinning rapidly the wheels of any motor vehicle, or by the emission of loud exhaust noise from any motor vehicle, or by making any other loud, excessive, unnecessary or unreasonable noise.

Section 340.190. Protective Headgear.

A. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in Section 301.010, RSMo., upon any highway of this City shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the Director.

B. Notwithstanding the provisions of Section 302.340, RSMo., the penalty for failure to wear protective headgear as required by Subsection (A) of this Section shall be an infraction for which a fine not to exceed twenty-five dollars ($25.00) may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed under this Section for a failure to wear such protective headgear.

Section 340.200. Driving While Intoxicated. [1]

[Ord. No. 1135 §1, 2-20-2007]

A. A person commits the offense of *"driving while intoxicated"* if he/she operates a motor vehicle while in an intoxicated or drugged condition.

B. Driving while intoxicated is for the first offense, a misdemeanor. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two (2) years.

C. *Reimbursement Of Costs Associated With Driving While Intoxicated.*

1. Upon a plea of guilty or a finding of guilty of violating any provision of Section 340.200, the court may, in addition to imposition of other penalties and costs provided by law, order the convicted person to reimburse the City of Lathrop on behalf of the Police Department which made the arrest for the costs associated with such arrest. Such costs shall include the reasonable cost of making the arrest, including the cost of any chemical test 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. When the convicted person was arrested by a member of the Lathrop Police Department, the reimbursement ordered by the Municipal Judge shall be treated as court costs.

2. Based on statistics, the Board of Aldermen determines that the average cost of an intoxication-related traffic offense is one hundred dollars ($100.00). When the person convicted of violating any provision of the referenced code was arrested by a member of the Lathrop Police Department, the court may order reimbursement

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1. Cross Reference — As to reimbursement of costs related to alcohol and drug-related traffic offenses, see §135.220.

based on the scheduled cost of one hundred dollars ($100.00) or order the costs reduced if it determines that the costs are excessive.

Section 340.210. Driving With Excessive Blood Alcohol Content.

[Ord. No. 1024 §1, 8-14-2001]

A. A person commits the offense of *"driving with excessive blood alcohol content"* if he/she operates a motor vehicle in this City with eight-hundredths of one percent (0.08%) or more by weight of alcohol in his/her blood.

B. As used in this Section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred (100) milliliters of blood and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this Section, the test shall be conducted in accordance with the provisions of Sections 577.020 to 577.041, RSMo.

Section 340.220. Chemical Tests for Alcohol Content of Blood — Consent Implied.

A. Any person who operates a motor vehicle upon the public highways of this City shall be deemed to have given consent to, subject to the provisions of Sections 577.020 to 577.041, RSMo., a chemical test or tests of his/her breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of his/her blood if arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition. The test shall be administered at the direction of the arresting Law Enforcement Officer whenever the person has been arrested for the offense.

B. The implied consent to submit to the chemical tests listed in Subsection (A) of this Section shall be limited to not more than two (2) such tests arising from the same arrest, incident or charge.

C. Chemical analysis of the person's breath, blood, saliva, or urine to be considered valid under the provisions of Sections 577.020 to 577.041, RSMo., shall be performed according to methods approved by the State Department of Health by licensed medical personnel or by a person possessing a valid permit issued by the State Department of Health for this purpose.

Section 340.230. Driving on Right of Highway — Traffic Lanes — Signs.

A. All vehicles not in motion shall be placed with their right side as near the right-hand side of the highway as practicable, except on streets of municipalities where vehicles are obliged to move in one direction only or parking of motor vehicles is regulated by ordinance.

B. Upon all public roads or highways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

2. When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions of Sections 304.014 to 304.026, RSMo., or traffic regulations thereunder or of municipalities;

3. When the right half of a roadway is closed to traffic while under construction or repair;

4. Upon a roadway designated by local ordinance as a one-way street and marked or signed for one-way traffic.

C. The authorities in charge of any highway or the State Highway Patrol may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway, and all members of the Missouri Highway Patrol and other Police Officers may direct traffic in conformance with such signs. When authorized signs have been erected designating off-center traffic lanes, no person shall disobey the instructions given by such signs.

Section 340.240. Stopped Vehicles.

[Ord. No. 720 §76.1090, 3-8-1978]

It shall be unlawful for the operator of any vehicle to stop said vehicle in the lane of travel of any street, thoroughfare, highway or roadway in such a manner as to impede the free travel of another vehicle.

Section 340.250. Driving on Recently Constructed Bridge or Culvert Prohibited — Notice of Closing.

It shall be unlawful for any person to drive a vehicle, an animal or animals or a load of any kind upon a highway bridge or culvert recently constructed or repaired wholly or partly of concrete or upon the surface of any improved highway of macadam, concrete, brick or bituminous material; and which has not been opened to traffic after the construction or repair, by order of the County Highway Engineer of the County in which such bridge or culvert or improved highway is situated, or by order of any other person having charge of the construction or repair of said bridge or culvert or improved highway; provided, due notice to the public has been given that the bridge or culvert or improved highway is closed to traffic, by placing barriers across the entrances to the bridge or culvert or improved highway and by written or printed handbills placed at either entrance to the bridge or culvert or improved highway stating that the bridge or culvert or improved highway is closed to traffic and mentioning the date on which same will be opened to traffic signed by the County Highway Engineer or by the person in charge of the construction or repair of the bridge or culvert or improved highway.

Section 340.260. Truck Routes.

[Ord. No. 951, 11-10-1998]

A. It shall be unlawful to drive any truck on any of the public streets in the City of Lathrop, except on the following streets to-wit: Center Street, North Street, that part of South Street lying east of Center Street; that part of Short Street lying west of Elm Street; that part of Elm Street between Short Street and Plattsburg Street; that part of Oak Street between Elm and Center Street; that part of Clinton Street west of Elm Street; that part of Plattsburg Street between Locust and Center Street; that part of Locust Street between Plattsburg Street and Oak Street and that part of Plattsburg Street lying west of Elm Street. Said excepted streets shall be designated as the City's truck route.

B. The driving of trucks within the prohibited area shall be permitted if said trucks are making deliveries or pickups within the prohibited area in which case such truck may be driven on such streets for not more than the minimum distance necessary for that purpose. The driver of a truck shall not park such vehicle for longer than thirty (30) minutes at any time.

Section 340.270. Use of Engine Braking Devices (Jake Brakes) Prohibited — When.

[Ord. No. 988 §1, 12-14-1999]

It shall be unlawful to operate or use engine braking devices within the City limits of the City of Lathrop, such braking devices sometimes being known as "Jake brakes", except in the case of emergencies. For the purpose of this Section an engine braking device is a hydraulic electric engine attachment that converts the engine exhaust of a vehicle engine into an air compressor by changing the operation of the engine exhaust valve. The operation of such device is very loud.

Chapter 345

METHOD OF PARKING

Section 345.010. Standing or Parking Close to Curb.

Section 345.020. Signs or Markings Indicating Angle Parking.

Section 345.030. Obedience to Angle Parking Signs or Markers.

Section 345.010. Standing or Parking Close to Curb.

[Ord. No. 792 §1, 3-4-1986]

Except as otherwise provided in this Chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen (18) inches of the right-hand curb.

Section 345.020. Signs or Markings Indicating Angle Parking.

[Ord. No. 792 §1, 3-4-1986]

A. The City Traffic Engineer shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any Federal-aid or State highway within the City unless the State Highways and Transportation Commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

B. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street or upon any streetcar tracks.

Section 345.030. Obedience to Angle Parking Signs or Markers.

[Ord. No. 792 §1, 3-4-1986]

On those streets which have been signed or marked by the City Traffic Engineer for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

Chapter 350

STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

Section 350.010. Stopping, Standing or Parking Prohibited.

Section 350.020. Parking Not to Obstruct Traffic.

Section 350.030. Parking in Alleys.

Section 350.040. Parking for Certain Purposes Prohibited.

Section 350.050. Parking Adjacent to Schools.

Section 350.060. Erection of No Parking Signs.

Section 350.070. Standing or Parking on One-Way Streets.

Section 350.080. Standing or Parking on One-Way Roadways.

Section 350.090. No Stopping, Standing or Parking Near Hazardous or Congested Places.

Section 350.100. Handicapped Parking.

Section 350.010. Stopping, Standing or Parking Prohibited.

[Ord. No. 792 §1, 3-4-1986]

A. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a Police Officer or official traffic control device, no person shall:

1. Stop, stand or park a vehicle:

a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

b. On a sidewalk;

c. Within an intersection;

d. On a crosswalk;

e. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the Traffic Engineer indicates a different length by signs or markings;

f. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

h. On any railroad tracks;

i. At any place where official signs prohibit stopping;

2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

   a. In front of a public or private driveway;

   b. Within fifteen (15) feet of a fire hydrant;

   c. Within twenty (20) feet of a crosswalk at an intersection;

   d. Within thirty (30) feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway;

   e. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly signposted);

   f. At any place where official signs prohibit standing.

3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

   a. Within fifty (50) feet of the nearest rail of a railroad crossing;

   b. At any place where official signs prohibit parking.

B. No person shall move a vehicle not lawfully under his/her control into any such prohibited area or away from a curb such a distance as is unlawful.

Section 350.020. Parking Not to Obstruct Traffic.

[Ord. No. 792 §1, 3-4-1986]

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.

Section 350.030. Parking in Alleys.

[Ord. No. 792 §1, 3-4-1986]

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

Section 350.040. Parking for Certain Purposes Prohibited.

[Ord. No. 792 §1, 3-4-1986]

A. No person shall park a vehicle upon a roadway for the principal purpose of:

1. Displaying such vehicle for sale; or

2. Repair such vehicle except repairs necessitated by an emergency.

Section 350.050. Parking Adjacent to Schools.

[Ord. No. 792 §1, 3-4-1986]

A. The City Traffic Engineer is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his/her opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

Section 350.060. Erection of No Parking Signs.

[Ord. No. 792 §1, 3-4-1986; Ord. No. 990 §1, 2-8-2000]

A. The City Traffic Engineer is authorized to erect signs indicating no parking upon any street in the City of Lathrop when the City Engineer believes it would be in the best interest of the health, safety and welfare of the citizens of Lathrop. Prior to erecting any such no parking signs, the City Traffic Engineer shall review the proposed erection of such signs with the Board of Aldermen and unless the Board of Aldermen, by resolution of the Board, direct that the no parking signs should not be erected, then the City Traffic Engineer is authorized to erect such signs on the streets of Lathrop at such locations as have been reviewed by the Board of Aldermen for the City of Lathrop.

B. When official signs prohibiting parking are erected upon any of the streets of the City of Lathrop as authorized in this Section, no person shall park a vehicle upon any such street in violation of any such sign.

Section 350.070. Standing or Parking on One-Way Streets.

[Ord. No. 792 §1, 3-4-1986]

The City Traffic Engineer is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.

Section 350.080. Standing or Parking on One-Way Roadways.

[Ord. No. 792 §1, 3-4-1986]

In the event a highway includes two (2) or more separate roadways and traffic is restricted to one (1) direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The City Traffic Engineer is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

Section 350.090. No Stopping, Standing or Parking Near Hazardous or Congested Places.

[Ord. No. 792 §1, 3-4-1986]

A. The City Traffic Engineer is hereby authorized to determine and designate by proper signs places not exceeding one hundred (100) feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

B. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand, or park a vehicle in any such designated place.

Section 350.100. Handicapped Parking.

[Ord. No. 863 §§1 — 9, 11-24-1992]

A. The Board of Aldermen hereby authorizes the City's Chief of Police to designate certain parking spaces as and for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to Sections 301.071 or 301.142, RSMo.

B. The designation of any parking space by the Chief of Police shall be approved by the Board of Aldermen or their designee.

C. Any parking space designated under this Section shall be located on a public street or; if so requested, by any person or corporation on public off street parking.

D. Any parking space designated under this Section shall be inscribed or marked with the international symbol of accessibility in white on a blue background and may also include appropriate wording to indicate that the space is reserved for the use of vehicles which display a distinguishing license plate or card.

E. The owner or person in lawful possession of a public off-street parking facility may, after notification of the local police, cause the removal of any vehicle not displaying a distinguishing license plate or card on which is inscribed the international symbol of accessibility and the word "disabled" issued pursuant to Section 301.142 RSMo., or a "disabled veteran" license plate issued pursuant to Section 301.071 RSMo. or a distinguishing license plate or card issued by any other State from a space designated for use by the physically disabled (as the term *"physically disabled"* is hereafter defined) as set out and provided in this Section. Further, any person who parks in a space reserved

for the exclusive use of a vehicle which displays a distinguishing license plate or card is guilty of an infraction and upon conviction thereof shall be punished by a fine of not less than fifty dollars ($50.00) and not more than two hundred dollars ($200.00).

F. Any vehicle which has been removed according to this Section and which has not been properly claimed within thirty (30) days shall thereafter be considered abandoned.

G. Parking spaces for vehicles with disabled license plates or cards shall be twelve (12) feet wide or greater or shall be open on one or both sides so as not to impede the safe ingress and exit of the disabled person.

H. Law Enforcement Officials are empowered to enter on private property open to the public to enforce this Section.

I. The following term shall have the following definitions for use in this Section:

PHYSICALLY DISABLED — Means a natural person with disabilities which limit or impair the ability to walk, as determined by a licensed physician as follows:

1. The person cannot walk fifty (50) feet without stopping to rest; or

2. The person cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or

3. Is restricted by lung disease to such an extent that the persons' forced respiratory expiratory volume for one (1) second, when measured by spirometry, is less than one (1) liter, or the arterial oxygen tension is less than sixty (60) mm/hg on room air at rest; or

4. Uses portable oxygen; or

5. Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association; or

6. Is severely limited in his/her ability to walk due to an arthritic, neurological, or orthopedic condition.

Chapter 355

STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS

Section 355.010. Application.

Section 355.020. Regulations Not Exclusive.

Section 355.030. Parking Prohibited at All Times on Certain Streets.

Section 355.040. Parking Prohibited During Certain Hours on Certain Streets.

Section 355.050. Stopping, Standing or Parking Prohibited During Certain Hours on Certain Streets.

Section 355.060. Parking Signs Required.

Section 355.070. Commercial Vehicles Prohibited From Using Certain Streets.

Section 355.080. Snow Routes.

Section 355.010. Application.

[Ord. No. 792 §1, 3-4-1986]

The provisions of this Title prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a Police Officer or official traffic control device.

Section 355.020. Regulations Not Exclusive.

[Ord. No. 792 §1, 3-4-1986]

The provisions of this Title imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

Section 355.030. Parking Prohibited at All Times on Certain Streets.

[Ord. No. 792 §1, 3-4-1986]

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described by ordinance.

Section 355.040. Parking Prohibited During Certain Hours on Certain Streets.

[Ord. No. 792 §1, 3-4-1986]

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified by ordinance of any day except Sunday and public holidays within the districts or upon any of the streets described by ordinance.

Section 355.050. Stopping, Standing or Parking Prohibited During Certain Hours on Certain Streets.

[Ord. No. 792 §1, 3-4-1986]

When signs are erected in each block giving notice thereof, no person shall stop, stand, or park a vehicle between the hours specified by ordinance of any day except Sundays and public holidays within the district or upon any of the streets described by ordinance.

Section 355.060. Parking Signs Required.

[Ord. No. 792 §1, 3-4-1986]

Whenever by this Title or any ordinance of the City any parking time limit is imposed or parking is prohibited on designated streets it shall be the duty of the City Traffic Engineer to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

Section 355.070. Commercial Vehicles Prohibited From Using Certain Streets.

[Ord. No. 792 §1, 3-4-1986]

In cases where an equally direct and convenient alternate route is provided, an ordinance may describe and signs may be erected giving notice thereof, that no persons shall operate any commercial vehicle upon streets or parts of streets so described except those commercial vehicles making deliveries thereon.

Section 355.080. Snow Routes.

In accordance with the provisions of this Title and when signs are erected giving notice thereof, highways, roads and/or streets are designated in Schedule IX as snow routes. During a snowfall and for twelve (12) hours thereafter, parking is prohibited on both sides of streets designated in Schedule IX. During the same period, parking on all other City streets is prohibited on the odd numbered side (north or west side). Parking is prohibited on all courts and cul-de-sacs, as shown in Schedule IX.

Chapter 360

TRAFFIC VIOLATIONS BUREAU

Section 360.005. In General.

Section 360.010. When Person Charged May Elect to Appear at Bureau.

Section 360.020. Duties of Traffic Violations Bureau.

Section 360.030. Traffic Violations Bureau to Keep Records.

Section 360.040. Additional Duties of Traffic Violations Bureau.

Section 360.005. In General.

[Ord. No. 792 §2, 3-4-1986]

A. The Municipal Court shall establish a Traffic Violations Bureau to assist the court with the clerical work of traffic cases. The Bureau shall be in charge of such person or persons and shall be open at such hours as the Municipal Judge may designate.

B. The Judge of the Municipal Court who hears traffic cases shall designate the specified offenses under this law or under the traffic ordinances of the City and the State traffic laws in accordance with applicable Supreme Court Rule in respect to which payments of fines may be accepted by the Traffic Violations Bureau in satisfaction thereof, and shall specify suitable schedules the amount of such fines for first, second and subsequent offenses, provided such fines are within the limits declared by the law or ordinance, and shall further specify what number of such offenses shall require appearance before the court.

Section 360.010. When Person Charged May Elect to Appear at Bureau.

[Ord. No. 792 §1, 3-4-1986]

A. Any person charged with an offense for which payment of a fine may be made to the Traffic Violations Bureau shall have the option of paying such fine within the time specified in the notice of arrest at the Traffic Violations Bureau upon entering a plea of guilty and upon waiving appearance in court; or may have the option of depositing required lawful bail, and upon a plea of not guilty shall be entitled to a trial as authorized by law.

B. The payment of a fine to the Bureau shall be deemed an acknowledgement of conviction of the alleged offense, and the Bureau, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof.

Section 360.020. Duties of Traffic Violations Bureau.

[Ord. No. 792 §1, 3-4-1986]

A. The following duties are hereby imposed upon the Traffic Violations Bureau in reference to traffic offenses:

1. It shall accept designated fines, issue receipts, and represent in court such violators as are permitted and desire to plead guilty, waive court appearance, and give power of attorney;

2. It shall receive and issue receipts for cash bail from the persons who must or wish to be heard in court, enter the time of their appearance on the court docket, and notify the arresting Officer and witnesses, if any, to be present.

Section 360.030. Traffic Violations Bureau to Keep Records.

[Ord. No. 792 §1, 3-4-1986]

The Traffic Violations Bureau shall keep records and submit to the Judges hearing violations of City ordinances summarized monthly reports of all notices issued and arrests made for violations of the traffic laws and ordinances in the City and of all the fines collected by the Traffic Violations Bureau or the court, and of the final disposition or present status of every case of violation of the provisions of said laws and ordinances. Such records shall be so maintained as to show all types of violations and the totals of each. Said records shall be public records.

Section 360.040. Additional Duties of Traffic Violations Bureau.

[Ord. No. 792 §1, 3-4-1986]

The Traffic Violations Bureau shall follow such procedure as may be prescribed by the traffic ordinances of the City or as may be required by any laws of this State.

Chapter 365

PROCEDURE ON ARREST

Section 365.010. Forms and Records of Traffic Citations and Arrests.

Section 365.020. Procedure of Police Officers.

Section 365.030. Uniform Traffic Ticket to Be Issued When Vehicle Illegally Parked or Stopped.

Section 365.040. Warning of Arrest Sent Upon Failure to Appear.

Section 365.050. Police May Remove Vehicle — When.

Section 365.010. Forms and Records of Traffic Citations and Arrests.

[Ord. No. 792 §1, 3-4-1986]

A. The City shall provide books containing uniform traffic tickets as prescribed by applicable Supreme Court Rule. Said books shall include serially numbered sets of citations in quadruplicate in the form prescribed by Supreme Court Rule.

B. Such books shall be issued to the Chief of Police or his/her duly authorized agent, a record shall be maintained of every book so issued and a written receipt shall be required for every book. The judge or judges hearing City ordinance violation cases may require that a copy of such record and receipts be filed with the court.

C. The Chief of Police shall be responsible for the issuance of such books to individual members of the Police Department. The Chief of Police shall require a written receipt for every book so issued and shall maintain a record of every such book and each set of citations contained therein.

Section 365.020. Procedure of Police Officers.

[Ord. No. 792 §1, 3-4-1986]

Except when authorized or directed under State law to immediately take a person before the Municipal Judge for the violation of any traffic laws, a Police Officer who halts a person for such violation other than for the purpose of giving him/her a warning or warning notice and does not take such person into custody under arrest, shall issue to him/her a uniform traffic ticket which shall be proceeded upon in accordance with Supreme Court Rule Number 37.

Section 365.030. Uniform Traffic Ticket to Be Issued When Vehicle Illegally Parked or Stopped.

[Ord. No. 792 §1, 3-4-1986]

Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of the City or by State law, the Officer finding such

vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a uniform traffic ticket for the driver to answer to the charge against him/her within five (5) days during the hours and at a place specified in the traffic ticket.

Section 365.040. Warning of Arrest Sent Upon Failure to Appear.

[Ord. No. 792 §1, 3-4-1986]

If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear in response to a uniform traffic ticket affixed to such motor vehicle within a period of five (5) days, the Traffic Violations Bureau shall send to the owner of the motor vehicle to which the traffic ticket was affixed a letter informing him/her of the violation and warning him/her that in the event such letter is disregarded for a period of five (5) days a warrant of arrest will be issued.

Section 365.050. Police May Remove Vehicle — When.

[Ord. No. 792 §1, 3-4-1986]

A. Members of the Police Department are authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the Police Department, or otherwise maintained by the City under the circumstances hereinafter enumerated:

1. When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic;

2. When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide its custody or removal;

3. When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

B. Whenever an Officer removes a vehicle from a street as authorized in this Section and the Officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such Officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

C. Whenever an Officer removes a vehicle from a street under this Section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event the Officer shall immediately send or cause to be sent a written report of such removal by mail to the State Department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the

vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.

Chapter 370

LICENSE REGULATIONS

ARTICLE I
Motor Vehicle License Tax

Section 370.010. Motor Vehicle License Tax Required — Schedule of Fees.

ARTICLE II
Licensing — Generally

Section 370.020. Driving While License Suspended or Revoked.

Section 370.030. Operation of Motor Vehicle Without Proper License Prohibited — Motorcycles — Special License.

Section 370.040. Prohibited Uses of Licenses.

Section 370.050. Exemptions From License Law.

Section 370.060. State Vehicle License Plates Required.

Section 370.070. Method of Displaying License Plates.

Section 370.080. Unauthorized Plates, Tags, Stickers, Signs.

Section 370.090. License Plates on Vehicles Displayed for Sale.

Section 370.100. Certificate of Ownership Required for Registered Vehicle.

Section 370.110. Transfer of Certificate of Ownership Upon Sale of Vehicle.

Section 370.120. Removal of Plates on Transfer of Vehicle — Use by Purchaser.

Section 370.130. Sale by Dealer.

Section 370.140. False Information by Dealer.

Section 370.150. Financial Responsibility Required.

Section 370.160. Effect of Revocation — Penalty.

ARTICLE I
Motor Vehicle License Tax

Section 370.010. Motor Vehicle License Tax Required — Schedule of Fees.

[Ord. No. 855 §1, 11-12-1991; Ord. No. 1023 §1, 8-14-2001]

A. Every person residing in the City, who is the owner of a motor vehicle on January first (1st) of each and every year, beginning on January 1, 2002, except a motor vehicle used exclusively outside the City, shall, before permitting the operation of such motor vehicle upon the streets of the City, procure a license thereon for each motor vehicle so owned. The amount of such license tax fee shall be five dollars ($5.00) per motor vehicle. Motor vehicles include motorcycles and motortricycles, automobiles and trucks and any and all other commercial motor vehicles.

B. The term *"owner"*, as used herein, shall include any person owning a motor vehicle or having the exclusive use thereof under a lease agreement or otherwise.

ARTICLE II
Licensing — Generally

Section 370.020. Driving While License Suspended or Revoked.

It shall be unlawful for any person to drive a vehicle in this City when his/her privilege to do so has been suspended, revoked, or canceled.

Section 370.030. Operation of Motor Vehicle Without Proper License Prohibited — Motorcycles — Special License.

A. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by Section 370.050, to:

1. Operate any vehicle upon any highway in this City unless he/she has a valid license;

2. Operate a motorcycle or motortricycle upon any highway of this City unless such person has a valid license that shows he/she has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the Director. The Director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by Section 302.173, RSMo., is conducted on such vehicle;

3. Authorize or knowingly permit a motorcycle or motortricycle owned by him/her or under his/her control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

4. Operate a motor vehicle with an instruction permit or license issued to another person.

5. Refuse to write his/her name and address in the presence of a Police Officer, Court Official or any other duly authorized person, in order that identity of the licensee may be determined.

Section 370.040. Prohibited Uses of Licenses.

A. It shall be unlawful for any person to:

1. Display or to permit to be displayed, or to have in his/her possession, any license knowing the same to be fictitious or to have been canceled, suspended, revoked, disqualified or altered;

2. Lend to or knowingly permit the use of by another any license issued to the person so lending or permitting the use thereof;

3. Display or to represent as one's own any license not issued to the person so displaying the same;

4. Fail or refuse to surrender to the Clerk of any Division of the Circuit Court or the Director, any license which has been suspended, canceled, disqualified or revoked, as provided by law;

5. Use a false or fictitious name or give a false or fictitious address on any application for a license, or any renewal or duplicate thereof, or knowingly to make a false statement;

6. Knowingly conceal a material fact, or otherwise commit a fraud in any such application;

7. Authorize or consent to any motor vehicle owned by him/her or under his/her control to be driven by any person, when he/she has knowledge that such person has no legal right to do so, or for any person to drive any motor vehicle in violation of any of the provisions of Sections 302.010 to 302.780, RSMo.;

8. Employ a person to operate a motor vehicle in the transportation of persons or property, with knowledge that such person has not complied with the provisions of Sections 302.010 to 302.780, RSMo., or whose license has been revoked, suspended, canceled or disqualified; or who fails to produce his or her license upon demand of any person or persons authorized to make such demand;

9. Operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license;

10. Fail to carry his/her instruction permit, operator's or chauffeur's license while operating a vehicle and to display instruction permit or said license upon demand of any Police Officer, Court Official or any other duly authorized person for inspection, when demand is made therefor. Failure to exhibit his/her instruction permit or license as aforesaid shall be presumptive evidence that said person is not a duly licensed operator or chauffeur.

Section 370.050. Exemptions From License Law.

A. The following persons are exempt from license hereunder:

1. Any person while operating any farm tractor or implement of husbandry temporarily operated or moved on a highway;

2. A non-resident who is at least sixteen (16) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or Country;

3. A non-resident who is at least eighteen (18) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or

Country which allows such person to operate a motor vehicle in the transportation of persons or property as classified in Section 302.015, RSMo.;

4. Convicted offenders of the department of corrections who have not been convicted of a motor vehicle felony as follows — *"Driving while intoxicated, failing to stop after an accident and disclosing his or her identity, or driving a motor vehicle without the owner's consent"* — may operate State-owned trucks for the benefit of the correctional facilities, provided that such offender shall be accompanied by a Correctional Officer or other staff person in such truck.

Section 370.060. State Vehicle License Plates Required.

No person shall operate or park any motor vehicle or trailer upon any street or highway of this City, unless such motor vehicle or trailer has properly displayed a valid license plate or plates or temporary permit issued to the lawful owner of the vehicle by the Department of Revenue of the State of Missouri, except that any person who is a non-resident of the State of Missouri may operate or park any motor vehicle or trailer upon any street or highway of this City, provided the motor vehicle or trailer has been duly registered for the current year in the State, country, or other place of which the owner is a resident, provided that at all times such motor vehicle or trailer is being operated or parked upon the streets or highways of this City, the valid license plate or plates or temporary permit is properly displayed on such vehicle or trailer.

Section 370.070. 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, RSMo. 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 motorscooters 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 pounds (12,00) shall be displayed on the front 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 plate or plates authorized by Section 301.140, RSMo., when properly attached, shall be prima facie evidence that the required fees have been paid.

Section 370.080. Unauthorized Plates, Tags, Stickers, Signs.

No person shall operate or park any motor vehicle or trailer on any street or highway of this City on which there is displayed a plate, tag, sticker, sign or placard bearing the words

"license lost", "license applied for" or words of similar import, as a substitute for a valid license plate or temporary permit.

Section 370.090. License Plates on Vehicles Displayed for Sale.

No person shall show, exhibit, display or have in possession for the purpose of sale any motor vehicle bearing or displaying thereon any number or license plates, except those of the dealer or owner so displaying said motor vehicle; provided however, that where the motor vehicle is placed on consignment with a dealer by the owner thereof, there may be displayed a number or license plate issued to the owner thereof.

Section 370.100. Certificate of Ownership Required for Registered Vehicle.

It shall be unlawful for any person to operate in this City a motor vehicle or trailer registered as provided by law, unless a certificate of ownership shall have been issued.

Section 370.110. Transfer of Certificate of Ownership Upon Sale of Vehicle.

It shall be unlawful for any person to buy or sell in this City any motor vehicle or trailer registered under the laws of this State unless at the time of delivery thereof there shall pass between the parties a certificate of ownership with assignment thereof as provided in Section 301.210, RSMo., as amended, and the sale of any motor vehicle or trailer registered under the laws of this State, without the assignment of such certificate of ownership, shall be fraudulent and void.

Section 370.120. 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 or 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 purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty (30) days.

Section 370.130. Sale by Dealer.

Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of fifteen (15) days after taking possession thereof, if during such period the motor vehicle or trailer shall have attached thereto, in the manner required in Section 370.070, number plates issued to the dealer. Upon application and presentation of satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars fifty cents

($10.50), to be returned to the buyer upon return to the dealer of such number plates within fifteen (15) days.

Section 370.140. False Information by Dealer.

No dealer shall advise any purchaser of a motor vehicle or trailer that such purchaser may drive such a motor vehicle or trailer without compliance with the foregoing license requirements.

Section 370.150. Financial Responsibility Required.

A. No owner of a motor vehicle registered in this State shall operate the vehicle, upon the streets or the alleys of this City, unless the owner maintains the financial responsibility as required in this Section. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers operation of vehicles owned by another person.

For purposes of this Section, the term *"financial responsibility"* shall mean the ability to respond in damages for liability occurring after the effective date of proof of said financial responsibility, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars ($25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident, and, subject to said limit for one (1) person, in the amount of fifty thousand dollars ($50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and in the amount of ten thousand dollars ($10,000.00) because of injury to or destruction of property of others in any one (1) accident.

B. Proof of financial responsibility may be shown by any of the following:

1. An insurance identification card issued by a motor vehicle insurer or by the Director of Revenue of the State of Missouri for self-insurance. A motor vehicle insurance policy, a motor vehicle liability insurance binder, or receipt which contains the name and address of the insurer, the name and address of the name insured, the policy number, the effective dates of the policy and a description by year and make of the vehicle, or at least five (5) digits of the vehicle identification number or the word "Fleet" if the insurance policy covers five (5) or more motor vehicles, shall be satisfactory evidence of insurance in lieu of an insurance identification card.

2. A certificate of the State Treasurer of a cash deposit according to the Section 303.240 of the Revised Statutes of Missouri.

3. A surety bond according to Section 303.230, RSMo.

C. Proof of financial responsibility shall be carried at all times in the insured motor vehicle or by the operator of the motor vehicle if the proof of financial responsibility is effective as to the operator rather than to the vehicle. The operator of the motor vehicle shall exhibit the proof of financial responsibility on the demand of any Police Officer who

lawfully stops such operator while that Officer is engaged in the performance of the duties of his or her office.

D. Any person who violates any provisions of this Section shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than ten dollars ($10.00) nor more than five hundred dollars ($500.00) for each and every violation.

Section 370.160. Effect of Revocation — Penalty.

Any resident or non-resident whose license, right or privilege to operate a motor vehicle in this City has been suspended or revoked as provided in Sections 302.010 to 302.540, RSMo., shall not operate a motor vehicle in this State under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under Sections 302.010 to 302.540, RSMo. Violation of any provision of this Section is a misdemeanor and on conviction therefor a person shall be punished as prescribed by Section 302.321, RSMo.

Chapter 375

VEHICLE EQUIPMENT

ARTICLE I
Generally

Section 375.010. Brakes.

Section 375.020. Muffler and Exhaust Pipes.

Section 375.030. Light Regulations.

Section 375.040. Carrying Projecting Objects.

Section 375.050. Towing.

Section 375.060. Loads Which Might Become Dislodged to Be Secured — Failure.

Section 375.070. Signaling Devices.

Section 375.080. Sirens and Flashing Lights Emergency Use, Persons Authorized — Violation, Penalty.

Section 375.090. Vision-Reducing Material Applied to Windshield or Windows Without Permit Prohibited.

Section 375.100. Studded Tires — Prohibited.

Section 375.110. Restriction on Use of Metal-Tired Vehicles — Penalty.

ARTICLE II
Seat Belt Regulations

Section 375.120. Seat Belts Required for Passenger Cars — Passenger Cars Defined — Exceptions.

Section 375.130. Passenger Restraint System Required for Child Under Four Years of Age — Exceptions — Violation — Fine.

ARTICLE I
Generally

Section 375.010. Brakes.

[Ord. No. 718 §76.950, 2-8-1978]

Every motor vehicle, except motorcycles, shall be provided at all times with two (2) sets of adequate brakes, kept in good working condition, and motorcycles shall be provided with one (1) set of adequate brakes, kept in good working condition.

Section 375.020. Muffler and Exhaust Pipes.

Muffler cutouts shall not be used and no vehicle shall be driven in such manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device, or other parts, or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise as completely as is done in modern gas engine passenger motor vehicles. Any cutout or opening in the exhaust pipe between the motor and the muffler

on any motor vehicle shall be completely closed and disconnected from its operating lever, and shall be so arranged that it cannot automatically open, or be opened or operated while such vehicle is in motion.

Section 375.030. Light Regulations.

[Ord. No. 718 §§76.970 — 76.990, 2-8-1978]

A. Every motor vehicle shall be equipped with at least two (2) approved head lights mounted at the same level with at least one (1) on each side of the front of the vehicle.

B. Every motorcycle shall be equipped with at least one (1) and not more than two (2) approved headlights.

C. *Headlights — Generally.*

1. Single-beam headlights shall be of sufficient intensity to reveal persons and vehicles at a distance of two hundred (200) feet.

2. Multi-beam headlights shall be so aimed as to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet on the upper beam, and at a distance of at least one hundred (100) feet on the lower beam.

3. Neither single-beam nor multi-beam headlights shall reflect a glaring or dazing light into the eyes of an oncoming driver.

4. Persons must dim headlights when within five hundred (500) feet of an approaching vehicle. Persons must also dim headlights when following within three hundred (300) feet of another vehicle.

5. Headlights must be lighted during the period between thirty (30) minutes after sunset to thirty (30) minutes before sunrise and all times when there is not sufficient light to reveal an object at a distance of five hundred (500) feet.

6. Only emergency vehicles and school buses may display red lights on the front. Tail lights must be red and unobscured and of such intensity that they can be seen from a distance of five hundred (500) feet behind a vehicle.

7. A white light must illuminate the license plate attached to the rear of the vehicle, and render it clearly legible from a distance of fifty (50) feet to the rear.

8. One (1) tail light is required for a motorcycle. At least two (2) tail lights must be displayed on the rear of every motor vehicle and trailer when lights are required.

D. *Dimming Of Lights — When.* Every person driving a motor vehicle equipped with multiple-beam road lighting equipment, during the times when lighted lamps are required, shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations: Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet, or is within three hundred (300) feet to the rear of another vehicle traveling in the same direction, the

driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the other driver, and in no case shall the high-intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five feet (25) ahead, and in no case higher than a level of forty-two (42) inches above the level upon which the vehicle stands at a distance of seventy-five (75) feet ahead.

E. *Limitation On Total Of Lamps Lighted At One Time.* At the times when lighted lamps are required, at least two (2) lighted lamps shall be displayed, one on each side of the front of every motor vehicle except a motorcycle and except a motor-drawn vehicle except when such vehicle is parked subject to the provisions governing lights on parked vehicles. Whenever a motor vehicle equipped with headlamps as in this Chapter required is also equipped with any auxiliary lamps or a spotlamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred (300) candlepower, not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

Section 375.040. Carrying Projecting Objects.

[Ord. No. 718 §76.1000, 2-8-1978]

All vehicles carrying poles or other objects which project more than five (5) feet from the rear of such vehicle, shall, during the period when lights are required, carry a red light at or near the rear end of the poles or other objects 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.

Section 375.050. Towing.

When one (1) vehicle is towing another, the connecting device shall not exceed fifteen (15) feet. During the time that lights are required by Sections 307.020 to 307.120, RSMo., the required lights shall be displayed by both vehicles. Every towed vehicle shall be coupled to the towing vehicle by means of a safety chain, cable, or equivalent device in addition to the primary coupling device, except that such secondary coupling device shall not be necessary if the connecting device is connected to the towing vehicle by a center-locking ball located over or nearly over the rear axle and not supported by the rear bumper of the towing vehicle. Such secondary safety connecting devices shall be of sufficient strength to control the towed vehicle in the event of failure of the primary coupling device. The provisions of this Subsection shall not apply to wreckers towing vehicles or to vehicles secured to the towing vehicle by a fifth-wheel type connection.

Section 375.060. Loads Which Might Become Dislodged to Be Secured — Failure.

A. All motor vehicles, and every trailer and semi-trailer operating upon the public highways of this City and carrying goods or material or farm products which may reasonably be expected to become dislodged and fall from the vehicle, trailer or semi-trailer as a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or

semi-trailer shall have a protective cover or be sufficiently secured so that no portion of such goods or material can become dislodged and fall from the vehicle, trailer or semi-trailer while being transported or carried.

B. Operation of a motor vehicle, trailer or semi-trailer in violation of this Section shall be a misdemeanor, and any person convicted thereof shall be punished as provided by law.

Section 375.070. Signaling Devices.

Every motor vehicle shall be equipped with a horn, directed forward, or whistle in good working order, capable of emitting a sound adequate in quantity and volume to give warning of the approach of such vehicle to other users of the highway and to pedestrians. Such signaling device shall be used for warning purposes only and shall not be used for making any unnecessary noise, and no other sound-producing signaling device shall be used at any time.

Section 375.080. Sirens and Flashing Lights Emergency Use, Persons Authorized — Violation, Penalty.

Motor vehicles and equipment which are operated by any member of an organized Fire Department, Ambulance Association, or Rescue Squad, whether paid or volunteer, may be operated on streets and highways in this State as an emergency vehicle under the provisions of Section 304.022, RSMo, while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and while using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the Chief of an organized Fire Department, organized Ambulance Association, or Rescue Squad and no person shall use or display a siren or blue lights on a motor vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. Permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this Section constitutes a misdemeanor.

Section 375.090. Vision-Reducing Material Applied to Windshield or Windows Without Permit Prohibited.

A. Except as provided in Subsection (B) of this Section, no person shall operate any motor vehicle registered in this State on any public highway or street of this City with any manufactured vision-reducing material applied to any portion of the motor vehicle's windshield, sidewings, or windows located immediately to the left and right of the driver which reduces visibility from within or without the motor vehicle. This Section shall not prohibit labels, stickers, decalcomania, or informational signs on motor vehicles or the application of tinted or solar screening material to recreational vehicles as defined in Section 700.010, RSMo., provided that such material does not interfere with the driver's normal view of the road. This Section shall not prohibit factory installed tinted glass, the equivalent replacement thereof or tinting material applied to the upper portion of the

motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.

B. A permit to operate a motor vehicle with a front sidewing vent or window that has a sun screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five percent (35%) or more plus or minus three percent (3%) and a luminous reflectance of thirty-five percent (35%) or less plus or minus three percent (3%) may be issued by the Police Department to a person having a physical disorder requiring the use of such vision-reducing material. If according to the permittee's physician the physical disorder requires the use of a sun screening device which permits less light transmission and luminous reflectance than allowed under the requirements of this Subsection, the limits of this Subsection may be altered for that permittee in accordance with the physician's prescription. The Chief of Police shall promulgate rules and regulations for the issuance of the permit. The permit shall allow operation of the vehicle by immediate family members who are husband, wife and sons or daughters who reside in the household.

C. A motor vehicle in violation of this Section shall not be approved during any motor vehicle safety inspection required pursuant to Sections 307.350 to 307.390, RSMo.

D. No rule or portion of a rule promulgated under the authority of this Article shall become effective unless it has been promulgated pursuant to the provisions of Section 536.024, RSMo.

Section 375.100. Studded Tires — Prohibited.

A. No person shall operate any motor vehicle upon any road or highway of this City between the first (1st) day of April and the first (1st) day of November while the motor vehicle is equipped with tires containing metal or carbide studs.

B. Any person violating the provisions of this Section is guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by law.

Section 375.110. Restriction on Use of Metal-Tired Vehicles — Penalty.

A. No metal-tired vehicle shall be operated over any of the improved highways of this City, except over highways constructed of gravel or claybound gravel, if such vehicle has on the periphery of any of the road wheels any lug, flange, cleat, ridge, bolt or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire, unless the highway is protected by putting down solid planks or other suitable material, or by attachments to the wheels so as to prevent such vehicles from damaging the highway, except that this prohibition shall not apply to tractors or traction engines equipped with what is known as caterpillar treads, when such caterpillar does not contain any projection of any kind likely to injure the surface of the road. Tractors, traction engines and similar vehicles may be operated which have upon their road wheels "V" shaped, diagonal or other cleats arranged in such manner as to be continuously in contact with the road surface if the gross weight on the wheels per inch of width of such cleats

or road surface, when measured in the direction of the axle of the vehicle, does not exceed eight hundred (800) pounds.

B. No tractor, tractor engine, or other metal-tired vehicle weighing more than four (4) tons, including the weight of the vehicle and its load, shall drive onto, upon or over the edge of any improved highway without protecting such edge by putting down solid planks or other suitable material to prevent such vehicle from breaking off the edges of the pavement.

C. Any person violating this Section, whether operating under a permit or not, or who shall willfully or negligently damage a highway, shall be liable for the amount of such damage caused to any highway, bridge, culvert or sewer, and any vehicle causing such damage shall be subject to a lien for the full amount of such damage, which lien shall not be superior to any duly recorded or filed chattel mortgage or other lien previously attached to such vehicle; the amount of such damage may be recovered in any action in any court of competent jurisdiction, in the name of the City or other civil subdivision or interested party.

ARTICLE II
Seat Belt Regulations

Section 375.120. Seat Belts Required for Passenger Cars — Passenger Cars Defined — Exceptions.

A. As used in this Section, the term *"passenger car"* means every motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons; except that, the term *"passenger car"* shall not include motorcycles, motorized bicycles, motor tricycles and trucks.

B. Each driver, except persons employed by the United States Postal Service while performing duties for that Federal Agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles, and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this City, shall wear a properly adjusted and fastened safety belt that meets Federal National Highway, Transportation and Safety Act requirements; except that, a child less than four (4) years of age shall be protected as required in Section 375.130, RSMo. Each driver of a motor vehicle transporting a child four (4) years of age or more, but less than sixteen (16) years of age, in the front seat of the motor vehicle shall secure the child in a properly adjusted and fastened safety belt. No person shall be stopped, inspected, or detained solely to determine compliance with this Subsection. The provisions of this Section shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about his/her body.

C. Each person who violates the provisions of Subsection (B) of this Section after July 1, 1987, shall be guilty of an infraction for which a fine not to exceed ten dollars ($10.00) may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this Section. In no case shall points be assessed against any person, pursuant to Section 302.302, RSMo., for a violation of this Section.

Section 375.130. Passenger Restraint System Required for Child Under Four Years of Age — Exceptions — Violation — Fine.

[Ord. No. 1170 §1, 9-16-2008]

A. Every person transporting a child under the age of four (4) years shall be responsible, when transporting such child in a motor vehicle operated by that person on the streets or highways of this City, for providing for the protection of such child. Such child shall be protected by a child passenger restraint system approved by the Department of Public Safety.

B. Any person who violates this Section is guilty of an infraction and, upon conviction, may be punished by a fine and court costs.

C. The provisions of this Section shall not apply to any public carrier for hire.

Chapter 380

BICYCLE REGULATIONS

Section 380.010. Bicycle Regulations — Generally.

Section 380.020. Lights and Reflectors, When Required — Standards to Be Met.

Section 380.030. Rights and Duties of Bicycle and Motorized Bicycle Riders.

Section 380.040. Penalty for Violation.

Section 380.010. Bicycle Regulations — Generally.

[Ord. No. 405½ §1, 12-2-1953]

Every person who shall within the corporate limits of the City of Lathrop, Missouri, ride upon any bicycle, tricycle or velocipede, or any other wheeled vehicle similar thereto, shall do so in a careful and prudent manner, and in such manner and at such rate of speed so as not to endanger the property of another or the life and limb of any person.

Section 380.020. Lights and Reflectors, When Required — Standards to Be Met.

A. Every bicycle and motorized bicycle when in use on a street or highway during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise shall be equipped with the following:

1. A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred (500) feet;

2. A rear-facing red reflector, at least two (2) square inches in reflective surface area, or a rear-facing red lamp, on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred (600) feet;

3. Reflective material and/or lights on any part of the bicyclist's pedals, crank arms, shoes or lower leg, visible from the front and the rear at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at two hundred (200) feet; and

4. Reflective material and/or lights visible on each side of the bicycle or bicyclist and visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred (300) feet. The provisions of this Subsection shall not apply to motorized bicycles which comply with National Highway Traffic and Safety Administration regulations relating to reflectors on motorized bicycles.

Section 380.030. Rights and Duties of Bicycle and Motorized Bicycle Riders.

Every person riding a bicycle or motorized bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by Chapter 304, RSMo., except as to special regulations in Sections 307.180 to 307.193, RSMo., and except as to those provisions of Chapter 304, RSMo., which by their nature can have no application.

Section 380.040. Penalty for Violation.

Any person seventeen (17) years of age or older who violates any provision of this Chapter is guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not less than five dollars ($5.00) nor more than twenty-five dollars ($25.00). Such an infraction does not constitute a crime and conviction shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense. If any person under seventeen (17) years of age violates any provision of this Chapter in the presence of a Police Officer possessing the duty and power of arrest for violation of the general criminal laws of the City, said Officer may impound the bicycle or motorized bicycle involved for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner.

Schedule I

INTERSECTIONS WITH STOP OR YIELD SIGNS

Table I-A. North and South Streets. **Table I-B. East and West Streets.**

[Ord. No. 699 § 2, 3-3-1976; Ord. No. 927 § 2, 12-9-1997; Ord. No. 1056 § 1, 11-19-2002; Ord. No. 1167 § 1, 9-16-2008]

In accordance with the provisions of Sections 335.010, 335.020 and 335.030, when signs are erected giving notice thereof, drivers of vehicles shall stop or yield as indicated at designated intersections before entering any of the following streets or parts of streets:

Table I-A. North and South Streets.

Name of Street	Intersections with Stop or Yield Signs
Lisa Avenue	Stop sign at Walnut Street.
Carrie Court	Stop sign at Walnut Street.
Latigo Street	Stop sign at North Street.
Mark Street	Stop sign at South Street.
Gay Street	Stop sign at South Street.
Orem Street	Stop sign at Oak Street, stop sign at Clinton Street.
Bohart Street	Stop sign at Oak Street, stop sign at Clinton Street.
Whitcomb Street	Stop sign at Oak Street, stop sign at Clinton Street.
Valley Street	Stop sign at North Street, stop sign at Walnut Street, stop sign at Plattsburg Street (southbound), stop sign at Oak Street, stop sign at Clinton Street, stop sign at South Street.
Kay Drive	Stop sign at South Street.
Kay Terrace	Stop sign at South Street.
Franklin Street	Stop sign at North Street.
Russell Street	Stop sign at Plattsburg, stop sign at Oak Street, stop sign at Clinton Street, stop sign at South Street.
Maple Street	Stop sign at North Street, stop sign at Walnut Street, stop sign at Oak Street, stop sign at Clinton Street, stop sign at South Street.
Center Street	Stop sign at North Street, stop sign at Oak Street.
East Street	Stop sign at Walnut Street, stop sign at Oak Street, stop sign at South Street.
West Street	Stop sign at Walnut Street, stop sign at Cedar Street, stop sign at Plattsburg Street.
Railroad Street	Stop sign at Walnut Street.

Name of Street	Intersections with Stop or Yield Signs
Locust Street	Yield sign at Plattsburg Street, stop sign at Oak Street (southbound), yield sign at Plattsburg Street (northbound).
Parkview Drive	Stop sign at Clinton Street.
Pine Street	Stop sign at North Street, stop sign at Oak Street.
Ridge Street (City Park)	Stop sign at Oak Street, stop sign at Clinton Street.
Park Street	Stop sign at North Street, stop sign at Oak Street.
Ash Street	Stop sign at Plattsburg Street, stop sign at Oak Street, stop sign at Clinton Street, stop sign at Short Street.
Ash Street	Stop sign at North Street.
Elm Street	Stop sign at North Street, stop sign at Plattsburg Street, stop sign at Short Street.

Table I-B. East and West Streets.

Name of Street	Intersections with Stop or Yield Signs
Hubbard Place	Stop sign at North Street.
Jewell Street	Stop sign at Maple.
Sellers Place	Stop sign at Center Street.
Centennial Place	Stop sign at Center Street.
Walnut Street	Stop sign at Valley Street, stop sign at Maple Street, stop sign at Center Street, stop sign at Pine Street, stop sign at Park Street, stop sign at Elm Street.
Lisa Avenue	Stop sign at Valley Street.
Cedar Street	Stop sign at Maple Street, stop sign at Center Street, stop sign at East Street, stop sign at Pine Street, stop sign at Park Street.
Concha Street	Stop sign at Latigo Street
Plattsburg Street	Stop sign at Maple Street, stop sign at Center Street, stop sign at Pine Street, stop sign at Park Street, stop sign at Elm Street.
Oak Street	Stop sign at Maple Street (westbound), stop sign at Center Street, stop sign at Elm Street.
Clinton Street	Stop sign at Maple Street, stop sign at Center Street, stop sign at East Street, stop sign at Locust Street, stop sign at Park Street, stop sign at Elm Street.
Short Street	Stop sign at Center Street, stop sign at East Street, stop sign at Locust Street, stop sign at Park Street.
South Street	Stop sign at Center Street.

Schedule II

STOP STREETS

Table II-A. Stop Streets.

Table II-A. Stop Streets.

[Ord. No. 436 § 13, 12-15-1958; Ord. No. 453 §§ 1 — 2, 8-5-1959; Ord. No. 736 §§ 1 — 2, 3-7-1979; Ord. No. 811 § 1, 7-7-1987; Ord. No. 818 § 1, 9-8-1987; Ord. No. 841 § 1, 8-17-1989; Ord. No. 866 § 1, 4-7-1993; Ord. No. 927 §§ 2 — 3, 12-9-1997; Ord. No. 946 § 1, 8-11-1998; Ord. No. 1056 § 1, 11-19-2002; Ord. No. 1167 § 1, 9-16-2008]

In accordance with the provisions of Section 335.030, and when signs are erected giving notice thereof, drivers of vehicles shall stop or yield as indicated at every intersection before entering any of the following streets or parts of streets:

Location — North and South Streets

Latigo Street at North Street (southbound)

Lisa Avenue at Walnut Street (northbound)

Lisa Avenue at Valley Street (westbound)

Carrie Court at Walnut Street (northbound)

Mark Street at South Street (southbound)

Gay Street at South Street (southbound)

Orem Street at Oak Street (northbound)

Orem Street at Clinton Street (northbound and southbound)

Bohart Street at Oak Street (northbound)

Bohart Street at Clinton Street (southbound)

Whitcomb Street at Oak Street (northbound)

Whitcomb Street at Clinton Street (southbound)

Whitcomb Street at Clinton Street (northbound)

Valley Street at North Street (northbound)

Valley Street at Walnut Street (northbound and southbound)

Valley Street at Plattsburg (northbound and southbound)

Valley Street at Oak Street (southbound)

Valley Street at Oak Street (northbound)

Valley Street at Clinton Street (northbound and southbound)

Valley Street at South Street (southbound)

Kay Drive at South Street (northbound)

Kay Terrace at South Street (southbound)

Russell Street at Plattsburg Street (northbound)

Location — North and South Streets

Russell Street at Oak Street (northbound and southbound)

Russell Street at Clinton Street (northbound and southbound)

Russell Street at South Street (southbound)

Franklin Street at North Street (northbound)

Maple Street at North Street (northbound)

Maple Street at Walnut Street (northbound and southbound)

Maple Street at Oak Street (northbound and southbound)

Maple Street at Clinton Street (northbound and southbound)

Maple Street at South Street (southbound)

Center Street (Missouri State Highway 33) at North Street (Missouri State Highway 116) (northbound)

Center Street (Missouri State Highway 33) at Oak Street (northbound and southbound)

East Street at Walnut Street (northbound)

East Street at Plattsburg Street (northbound and southbound)

East Street at Oak Street (northbound and southbound)

East Street at South Street (southbound)

West Street at Walnut Street (northbound)

West Street at Cedar Street (northbound and southbound)

West Street at Plattsburg Street (northbound)

Railroad Street at Walnut Street (southbound)

Locust Street at Plattsburg Street (northbound)

Locust Street at Oak Street (southbound)

Locust Street at Oak Street (northbound)

Pine Street at North Street (northbound)

Pine Street at Oak Street (southbound)

Parkview Street at Clinton Street (southbound)

Ridge Street (City Park) at Oak Street (northbound)

Ridge Street (City Park) at Clinton Street (southbound)

Park Street at North Street (northbound)

Park Street at Oak Street (southbound)

Park Street at Oak Street (northbound)

Hubbard Place at North Street (southbound)

Ash Street at Plattsburg Street (northbound)

Ash Street at Oak Street (northbound and southbound)

Ash Street at Clinton Street (northbound and southbound)

Ash Street at Short Street (southbound)

Ash Street at North Street (northbound)

Elm Street at North Street (northbound)

Location — North and South Streets

Elm Street at Plattsburg (northbound and southbound)
Elm Street at Short Street (southbound)

Location — East and West Streets

Concha Street at Latigo Street (eastbound)
Jewell Street at Maple Street (westbound)
Sellers Place at Center Street (eastbound)
Centennial Place at Center Street (eastbound)
Walnut Street at Valley Street (eastbound and westbound)
Walnut Street at Maple Street (eastbound and westbound)
Walnut Street at Center Street (eastbound and westbound)
Walnut Street at Pine Street (eastbound and westbound)
Walnut Street at Park Street (eastbound and westbound)
Walnut Street at Elm Street (westbound)
Lisa Avenue at Valley Street (westbound)
Cedar Street at Maple Street (eastbound)
Cedar Street at Center Street (eastbound and westbound)
Cedar Street at East Street (eastbound and westbound)
Cedar Street at Pine Street (eastbound and westbound)
Cedar Street at Park Street (westbound)
Plattsburg Street at Maple Street (eastbound and westbound)
Plattsburg Street at Center Street (eastbound and westbound)
Plattsburg Street at Pine Street (eastbound and westbound)
Plattsburg Street at Park Street (eastbound and westbound)
Plattsburg Street at Elm Street (westbound)
Oak Street at Maple Street (westbound)
Oak Street at Center Street (eastbound and westbound)
Oak Street at Elm Street (westbound)
Clinton Street at Maple Street (eastbound and westbound)
Clinton Street at Center Street (eastbound and westbound)
Clinton Street at East Street (eastbound and westbound)
Clinton Street at Locust Street (eastbound and westbound)
Clinton Street at Park Street (eastbound and westbound)
Clinton Street at Elm Street (eastbound and westbound)
Short Street at East Street (westbound)
Short Street at East Street (eastbound)
Short Street at Locust Street (eastbound and westbound)

Location — East and West Streets

Short Street at Park Street (eastbound and westbound)

Short Street at Center Street (eastbound)

South Street at Center Street (eastbound and westbound)

Schedule III

(RESERVED)

Table III-A. (Reserved)

Table III-A. (Reserved)

Editor's Note — Ord. no. 1056 § 1, adopted November 19, 2002, superseded this schedule and set out the yield locations in schedules I and II hereof. Former schedule III derived from ord. no. 811 § 1, 7-7-1987. This schedule has been left reserved for the city's future use.

Schedule IV

SPEED LIMITS

Table IV-A. Speed Limits.

Table IV-A. Speed Limits.

[Ord. No. 563 § 2, 3-1-1967; Ord. No. 616 § 1, 3-24-1971; Ord. No. 861 § 2, 6-9-1992; Ord. No. 933, 5-12-1998; Ord. No. 987 § 1, 12-14-1999; Ord. No. 993 §§ 1 — 2, 6-13-2000; Ord. No. 1148 § 1, 10-16-2007; Ord. No. 1159 § 1, 4-22-2008; Ord. No. 1209 § 1, 8-17-2010]

In accordance with Section 320.010, the maximum speed limit on the City roads shall be as follows:

Location	Speed Limit
Centennial Place	15 mph
Center Street/Missouri Highway 33 from Clinton Street to 2,470 feet north of the southern City limits, but only while caution lights are flashing	25 mph
Center Street/Missouri Highway 33 from its northern terminus to 2,470 feet north of the southern City limits	35 mph
Center Street/Missouri Highway 33 from 2,470 feet north of the southern City limits to 1,283 feet north of the southern City limits, provided that the Board of Aldermen may designate certain "special events" during which the speed limits shall be temporarily lowered to 35 miles per hour on said part of Center Street/Missouri Highway 33. During said special events, temporary signage shall indicate the reduced speed limit.	45 mph
Center Street/Missouri Highway 33 from 1,283 feet north of the southern City limits to the southern City limits	55 mph
Clinton Street between Park Street and Locust Street	15 mph
Highway 33, while caution lights are flashing the speed limit on Highway 33 between Clinton and the south City limits	25 mph
Oak Street between Maple Street and Park Street	15 mph
Park Street between Oak Street and Clinton Street	15 mph
Seller's Place	15 mph
North School Drive (A Highway) from North Street (116 Highway) north 2,500 feet	45 mph
North School Drive (A Highway) from 2,500 feet north of North Street (116 Highway) to the north City limits of the City of Lathrop	55 mph

Location	**Speed Limit**
North Street (116 Highway) from 140 feet east of Park Street to 215 feet east of Maple Street	40 mph
North Street (116 Highway) within the City limits except from 140 feet east of Park Street to 215 feet east of Maple Street	45 mph
North School Drive (A Highway), while caution lights are flashing on A Highway between Highway 116 and 1,650 feet north of 116 Highway	35 mph
All other streets within the City limits	25 mph

Schedule V

PARKING REGULATIONS

Table V-A. Parking Prohibited. **Table V-B. Restricted Parking.**

Table V-A. Parking Prohibited.

[Ord. No. 699 §§3 — 4, 3-3-1976; Ord. No. 872 §1, 12-14-1993; Ord. No. 964 §1, 5-11-1999; Ord. No. 1242 §1, 6-18-2013; Ord. No. 1245 §1, 7-16-2013]

In accordance with Section 355.030 and when signs are erected giving notice thereof, no person shall park a vehicle between the hours specified herein of any day except Sundays and public holidays within the district or upon any of the streets or parts of streets as follows:

Location

Short Street, south side

Oak Street as follows:

Beginning at a point on the south curb line of Oak Street twenty-six (26) feet east of the east property line of the site of the City Hall and Firehouse, same being in Block 33, Lot 20, of the City of Lathrop, thence extending forty-four (44) feet west along the south curb line of Oak Street; thence due south over and across Oak Street to the place and point of beginning on the south curb line thereof; or beginning at the west line of its intersection with Center Street and ending sixteen (16) feet west thereof

Missouri State Highway Route 116

West Street from Walnut to Cedar

East Street, east side from Short Street to South Street

South Street, south side, from Center Street/Missouri Highway 33 to Kay Drive

Table V-B. Restricted Parking.

[Ord. No. 436 §9, 12-15-1958; Ord. No. 618 §§1 — 4, 4-5-1971; Ord. No. 699 §4, 3-3-1976; Ord. No. 782 §1, 10-10-1984; Ord. No. 1092 §1, 10-19-2004; Ord. No. 1174 §3, 10-21-2008]

In accordance with Section 355.040 and 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 public holidays within the district or upon any of the streets or parts of streets as follows:

Location	Restriction
North side of Oak Street east from Center Street along the south side of the First Baptist Church	No parking 11:00 P.M. to 5:00 A.M.

Location	Restriction
Route B-33, Clinton County, Missouri, except parallel parking on the east side of said Route B-33 from Plattsburg St. to Oak St., then from Oak St. south 400 feet and along the west side of Route B-33 from Oak St. north 300 feet	No parking any time except as posted
On either side of Oak Street west from Center Street to Locust St	Angular parking only as marked and signed
In the center of Oak Street west from Center Street to Locust Street	Lateral parking only as marked and signed
On Oak Street west from Center Street to Locust Street	24 hour parking limit
On that part of Oak Street between a point sixteen (16) feet west of the west line of its intersection with Center Street, and a point three hundred (300) feet west of the center of the intersection of Oak Street and East Street	Parallel parking in the center of Oak St. and diagonal parking on each side of Oak St. by the curb as designated by painted lines
On Oak Street between Center Street and Locust Street	Between the hours of 2:00 A.M. and 5:30 A.M. during the winter months from November 1 of each year and April 1 of the following year Vehicles parked on the street during the aforesaid period may be towed at the owner's expense and any storage charges will be the responsibility of the owner Repeat violations may be subject to fines per the City Traffic Code
The marked parking spot located immediately north of the northernmost alley located on the east side of the 500 block of East Street **[Ord. No. 1252 §1, 11-19-2013]**	8:00 A.M. until 1:00 P.M., Monday through Friday, for the purposes of creating a loading zone

Schedule VI

SCHOOL ZONES

Table VI-A. School Zones.

Table VI-A. School Zones.

[Ord. No. 791 § 2, 3-4-1986]

The following School Zones are hereby created:

From Highway 33 to Locust Street on South Street; from Clinton Street to South Street on East Street.

The speed limit on said streets shall be 15 miles per hour from 7:30 A.M. to 4:00 P.M., Mondays through Friday of each week when school is in session.

Schedule VII

ONE-WAY STREETS AND ALLEYS

Table VII-A. One-Way Streets and Alleys.

Table VII-A. One-Way Streets and Alleys.

[Ord. No. 791 § 1, 3-4-1986; Ord. No. 927 § 1, 12-9-1997; Ord. No. 1174 § 1, 10-21-2008]

In accordance with Section 330.020 and when properly signposted, traffic shall move only in the direction indicated upon the following streets.

Location	Direction of Traffic
East Street, from Short Street to South Street	South
South Street, from East Street to Highway 33	East

Schedule VIII

(RESERVED)

Table VIII-A. (Reserved)

Table VIII-A. (Reserved)

Editor's Note — Ord. no. 1174 § 2, adopted October 21, 2008, repealed schedule VIII "weight limits" in its entirety. Former schedule VIII derived from ord. no. 618 § 5, 4-5-1971.

Schedule IX

SNOW ROUTES

In accordance with Section 355.080 of this Title and when signs are erected giving notice thereof, these highways, roads or streets are designated snow routes. During snowfall and for twelve (12) hours thereafter, parking is prohibited on both sides of streets designated below. Any vehicle parked on these streets may be towed by the Police Department at the owner's expense. In addition, parking is prohibited on all courts and cul-de-sacs.

Center Street

Clinton Street

Elm Street

Maple Street

North Street

Park Street

Plattsburg Street

South Street

Walnut Street

Chapter 400

ZONING REGULATIONS

ARTICLE I
General Provisions

Section 400.010. Purpose.
Section 400.020. Definitions.
Section 400.030. Districts.
Section 400.040. District Maps.
Section 400.050. Exceptions.
Section 400.055. Fencing Regulations.

ARTICLE II
District "R-1" Single-Family Residential District Regulations

Section 400.060. Use Regulations.
Section 400.070. Parking Regulations.
Section 400.080. Front Yards.
Section 400.090. Sideline Setback.
Section 400.100. Rear Yard and Rear Yard Set-Back Requirements.
Section 400.110. Lot Area per Family.

ARTICLE III
"R-2" Multiple-Family Residential District Regulations

Section 400.120. Use Regulations.
Section 400.130. Parking Regulations.
Section 400.140. Front Yards.
Section 400.150. Side Yards.
Section 400.160. Rear Yards.
Section 400.170. Lot Area per Family.

ARTICLE IV
District "R-1" and District "R-2" Construction Requirements

Section 400.180. Building Construction Requirements.

ARTICLE V
District "B-1" Neighborhood Business District Regulations

Section 400.190. Use Regulations.
Section 400.200. Front Yards.
Section 400.210. Side Yards.
Section 400.220. Rear Yards.
Section 400.230. Rear Access.
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Section 400.010. Purpose.

[Ord. No. 525 Art. 1 — 2, 6-2-1965]

A. This Chapter shall be known as the Lathrop Zoning Code.

B. The Zoning Regulations and districts as herein established have been made in accordance with a comprehensive plan, to promote, in accordance with present and future needs, the safety, morals, order, convenience, prosperity, and general welfare of the citizens of Lathrop, Missouri, and to provide for efficiency and economy in the process of development, for the appropriate and best use of land, for convenience of traffic and circulation of people and goods, for the use and occupancy of buildings, for healthful and convenient distribution of population, for good civic design and arrangement, and for adequate public utilities and facilities by regulating the location and use of buildings, structures, and land for trade, industry, and residence, by regulating and limiting or determining the height and bulk of buildings and structures, the area of yards and other open spaces, and the density of use. They have been made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City of Lathrop, Missouri.

Section 400.020. Definitions.

[Ord. No. 525 §§3-1 — 3-39, 6-2-1965]

For the purposes of this Chapter certain terms and words are hereby defined as follows:

ANIMAL HOSPITAL — Any building or portion thereof designed or used for the care, observation, or treatment of animals for a fee.

APPURTENANCE — Subordinate or accessory building or structure, or portion of a main building, the use of which is incidental and customary to that of the main building.

AREA LOT — The area lying within the boundary of a lot, tract or parcel of land.

BUILDING — A structure having a roof supported by columns or walls, for the shelter, support, or enclosure of persons or animals or chattels, and when separated by fire walls, each portion of such building so separated, shall be deemed a separate building.

BUILDING (TEMPORARY) — Any building not designed to be permanently located where it is, or will be, placed or affixed.

CAMP-TOURIST OR TRAILER — An area containing one (1) or more structures designed or intended to be used as temporary living facilities for three (3) or more families, and intended primarily for auto transients, or an area providing parking spaces for three (3) or more trailers.

CHURCH — Any building or premises dedicated to religious worship.

CLUB OR LODGE HALL — The meeting place of individuals organized under self-imposed regulations for the promotion of common subjects.

DWELLINGS (MULTIPLE-FAMILY OR APARTMENT) — A building or portion of a building having suitable accommodations for three (3) or more families living independently of each other, who may or may not have joint use of utilities, hall, yard, etc. The term includes premises occupied more or less permanently for residence purposes, in which the rooms are occupied in apartment suites or groups.

DWELLING (ONE-FAMILY) — A detached building used exclusively for residential purposes, having suitable accommodations for only one (1) family.

DWELLING (TWO-FAMILY) — A detached building used exclusively for residential purposes, and designed for or occupied by two (2) families living independently of each other, and their respective servants.

ERECTED — The act of placing or affixing a component of a structure upon the ground or upon another such component.

FAMILY — One (1) person living alone, or two (2) or more persons living together, related either by birth or marriage, who, occupy a single housekeeping unit, or a group of not more than four (4) unrelated persons, who, occupy a single housekeeping unit. A *"family"* shall under no circumstances be construed as a boarding house, fraternity, or sorority house, club, lodging house, hotel, motel or commune.

GROUP HOME FOR FOSTER CARE — Any private residence licensed by the Division of Family Services or Department of Mental Health to provide foster care to one (1) or more but less than seven (7) children who are unrelated to either foster parent by blood, marriage or adoption; subject to occupancy limitations for the particular dwelling.

GROUP HOME FOR MENTALLY OR PHYSICALLY HANDICAPPED — Any home in which eight (8) or fewer mentally physically handicapped persons reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home; subject to occupancy limitations for the particular dwelling.

HOME-OCCUPATION — Any occupation or profession engaged in by the occupants of a dwelling not involving the conduct of a retail business, manufacturing business, or a repair shop of any kind on the premises, excepting the building which is used by the occupant as his or her private dwelling. Home occupations further shall not include the employment of any additional persons in the performance of such services.

JUNK YARD OR STORAGE ROOM — Any building or premises where scraps of old metal, paper, glass, or other refuse is bought, sold, or stored.

LEAN-TO — A building whose rafters are supported by leaning on another building.

LINE — BUILDING — The exterior face of a wall of an existing structure or the limits to which an exterior face of a wall of a proposed structure may be built.

LINE — FRONT LOT — In the case of an interior lot, the front lot line is the platted street line. In the case of a corner lot, it shall be such street line as may be elected by the owner to be the front lot line for the purpose of this Chapter, provided that such election must be approved by the Building Inspector as being in keeping with the established character of the surrounding properties.

LINE — REAR LOT — That boundary line which is opposite and distant from the front lot line.

LINE — SIDE LOT — The boundary lines of a lot, tract, or parcel of land which are not front or rear lot lines.

LODGING ESTABLISHMENT — Any building, group of buildings, structure, facility, place, or places of business where five (5) or more guest rooms are provided, which is owned, maintained, or operated by any person and which is kept, used, maintained, advertised or held out to the public for hire which can be construed to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort, cabins, tourist home, bunkhouse, dormitory, or other similar place by whatever name called, and includes all such accommodations operated for hire as lodging establishments for either transient guests, permanent guests, or for both transient and permanent guests.

LOT, TRACT, OR PARCEL OF LAND — A parcel of land occupied or intended to be occupied by a building, and accessory building, and including such open spaces as are required under this Chapter and having its principal frontage upon a public street.

LOT — CORNER — A lot abutting upon two (2) or more streets at their intersection.

LOT — INTERIOR — A lot other than a corner lot.

MOBILE EQUIPMENT OR TRAILER — Any dwelling, vehicular in design, which may be driven, towed, or propelled from one location to another, without change in structure or design, whether or not the same be supported by wheels, designed or used as living or sleeping quarters by any person.

MOVE — The act of permanently establishing a structure upon a portion of land after removing same from another part of the same or a different lot, tract, or parcel of land.

NON-CONFORMING USE — A use, building or yard existing legally at the time of the passage of this Title or any amendment thereto which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is situated.

PARKING SPACE — A suitably surfaced area or privately owned property, either within or outside of a building, of sufficient size to store one (1) standard automobile, but in no event less than two hundred (200) square feet.

PREMISES — A lot, tract, or parcel of land or any portion thereof.

PROFESSIONAL PERSON — An individual who lawfully employs his/her talents for the creation of objects of art or in rendering personal services.

SET-BACK, FRONT LINE — The distance between the front lot line and the front building line.

SLAUGHTER HOUSE — Any place where animals are butchered for market.

STRUCTURALLY ALTERED — Any change in the supporting members of a building such as walls or partitions, columns, beams, or girders, or any substantial change in the roof or exterior walls.

STRUCTURE — Anything constructed or erected, the use of which entails permanent location on the soil, or attachment to something having a permanent location on the soil.

STRUCTURE — IMPERMANENT — A structure without permanent footing or foundations.

YARD — REAR — The portion of the yard on the same lot with the building between the rear line of the building and the rear line of the lot for the full width of the lot. Provided, that in those locations where an alley is platted in the rear of the lots, one-half (½) of the width of the platted alley may be included in the rear yard requirement.

Words in the present tense include the future; words in the singular number include the plural; words used in the plural include singular number; and the word *"shall"* is mandatory and not directory.

Section 400.030. Districts.

[Ord. No. 525 §4-1, 6-2-1965; Ord. No. 944 §1, 8-11-1998]

For the purpose of regulating and restricting the location of trades, industries, callings, and commercial enterprises, and the location, erection, alteration or repair of buildings designated for specific purposes or specific uses, and the uses of land within each district, the incorporated territory of the City of Lathrop, in the State of Missouri, is divided into the following districts:

District "R-1" - Single-Family Residential District

District "R-2" - Multiple-Family Residential District

District "B-1" - Retail Business District

District "M-1" - Light Industry District.

District "A-1" - Agricultural District.

Section 400.040. District Maps.

[Ord. No. 525 §§4-2 — 4-4, 6-2-1965]

A. Such land and the district classification thereof, shall be shown on the map designated as the "Zoning District Map of Lathrop, Missouri", dated and signed by the Mayor and the City Clerk of Lathrop, upon adoption. This Zoning District Map, and all notations, dimensions, references, and symbols shown thereon, pertaining to such districts shall be as much a part of this Chapter as if fully described herein and shall be filed as part of this Chapter by the Clerk of the City of Lathrop. Said Map shall be available for public inspection in the office of the City Clerk, and any later alterations of this Map adopted

by amendment as provided in this Chapter shall be similarly dated, filed, and made available for public reference.

B. District "R-1", Single-Family Residential Districts shall be designated on said Zoning District Map in WHITE. District "R-2", Multiple-Family Residential Districts shall be designated on said Zoning District Map in GREEN. District "B-1", Retail Business Districts shall be designated on said Zoning District Map in RED. District "M-1", Light Industries District, shall be designated on said Zoning District Map in BLUE.

C. A district name or letter-number combination shown on the District Maps indicates that the regulations pertaining to the district designated by that name or letter-number combination extend throughout the whole area in the municipality bounded by the district boundary lines within which such name or letter-number combination is shown or indicated except as otherwise provided in this Section.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the District Map the following rules shall apply:

1. In cases where a boundary line is given a position within a street or alley, navigable or non-navigable stream, it shall be deemed to be in the center of the street, alley, or stream, and if the actual location of such street, alley, or stream varies slightly from the location as shown on the District Map, then the actual location shall control.

2. In cases where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.

3. In cases where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of the designated track.

4. Where the district boundaries are not otherwise indicated and where the property has been, or may hereafter be, divided into blocks and lots, the district boundaries shall be construed to be the lot lines and where the districts designated on the Map are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the Map or by Ordinance.

5. In unsubdivided property, unless otherwise indicated, the district boundary line on the Map shall be determined by the use of the scale contained on such Map.

Section 400.050. Exceptions.

[Ord. No. 525 §4-5, 6-2-1965]

A. Except as hereinafter provided:

1. No land may be used except for a purpose permitted in the district in which it is located.

2. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building or part thereof be used, except for a use permitted in the district in which the building is located.

3. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is located.

4. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which the building is located.

5. The minimum yards, open spaces, including lot area per family, required by this Chapter for each and every building existing at the time of the passage of this Chapter, or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, nor shall any lot area be reduced below the requirements of this Chapter.

6. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and, except as hereinafter provided, in no case shall there be more than one main building on one lot.

Section 400.055. Fencing Regulations.

[Ord. No. 1029 §3, 11-20-2001; Ord. No. 1037 §1, 1-15-2002]

A. *General Provisions.*

1. A permit shall be required for all construction of or modification or change in any manner to all or any part of a fence, and the fee for each permit shall be ten dollars ($10.00).

2. This Section shall not apply to fences located on land zoned "A-1" for agriculture purposes.

3. Fences around public recreational areas, school, institutions, and other such public places shall be exempt from the height limitations stated herein but shall comply with any and all other requirements of the City ordinances.

4. Any fence erected pursuant to then applicable law and prior to enactment of this Section shall be considered non-conforming and allowed to remain, subject to compliance with the maintenance requirements of this Section; however, all extensions, modifications or alterations other than ordinary repair and maintenance shall conform to this Section.

5. The City may remove fences located within City easements for proper purposes and the property owner shall be responsible for the repair or reinstallation of the portions of the fence that were removed.

6. Other than fences erected by the governmental authorities having proper jurisdiction, no fence shall be erected in or encroach upon a public right-of-way.

B. *Fence Requirements.* Except as otherwise expressly provided, all fences shall comply with the following:

1. Fences shall be made of chain link or other galvanized woven wire, wood pickets, masonry, wrought iron, split rail or other materials of similar quality and appearance. Fences with pickets on alternating sides are permitted.

2. No fence shall be constructed of/or using:

   a. A single wire or two (2) wires between posts or supports;

   b. Light-gauge wire, poultry wire, rabbit wire, hog wire, bamboo, corrugated panels, cloth, canvas, or other non-substantial materials; or

   c. Barbed wire, razor wire, embedded glass or spikes, and similar injury-producing material.

3. Chain link or other woven fences shall be installed with barbs turned down.

4. No fence shall be connected to an electrical current.

5. Only one (1) type of fencing material may be used for each fence line.

6. All support structures for a fence shall be located on the inside of the fence, and all fences shall be constructed with the smooth side facing outward from the enclosed property.

7. All fences must be maintained in a manner that will protect the fence from rotting, decay, deterioration or loss of structural integrity.

8. All fences shall be constructed in a workmanlike manner and be maintained in a reasonable condition and vertical position, and any deteriorated or rusted fencing materials or other structural elements shall be replaced in a timely manner with materials of the same type and quality.

9. No fence shall impede the vision of traffic on adjacent public streets, alleys or driveways.

10. No fence shall obstruct the flow of stormwater. No person shall erect or maintain any fence that will materially damage the adjacent property by obstructing the view, light or air.

11. Fence height shall be measured from the plane of the finished grade to the top of the panel or picket. Where the finished grade is irregular because of a ditch or other feature, the fence may extend no more than fifteen (15) feet across said irregularity at the original height, provided it extends to the bottom of the irregularity.

12. Posts including fenestration, ornamentation or finials atop posts may be no more than one (1) foot above the permitted fence height.

C. *Fences In Residential Districts.* In addition to the provisions in Subsections (A) and (B) of this Section 400.055, the following shall apply to fences in residential districts:

1. No fence shall exceed four (4) feet in height along front yard or six (6) feet in height along side yards or back yards.

2. Notwithstanding anything to the contrary contained herein, no fence located, in whole or in part, in the area from the point of intersection of street edge or curb-back, to the points fifteen (15) feet along said street edge or curb-back in both directions, with lines connecting all three (3) points ("sight triangle") shall exceed four (4) feet in height.

D. *Fences In Commercial And Industrial Districts.* In addition to the provisions in Subsections (A) and (B) of this Section 400.055, the following shall apply to fences in commercial and industrial districts:

1. Front yard fences shall not exceed four (4) feet in height and side yard and rear yard fences shall not exceed eight (8) feet in height, except as provided herein.

2. Along the side or rear lot lines of any commercial or industrial lot shall install an opaque fence of not less than six (6) feet and not more than eight (8) feet in height.

3. If a lot has a front yard more than one hundred (100) feet deep, a fence made of chain link or other similarly transparent material may be constructed no closer than one hundred (100) feet from the lot's front property line and may be constructed along the lot's property line in its side yards and rear yard. Such fence shall be no higher than ten (10) feet.

4. Chain link fences may be topped with no more than three (3) strings of barbed wire, the lowest strand of which shall be not less than seven (7) feet above the finished grade with a total height which shall not exceed the fence height permitted herein. Angle barbed wire supports shall not extend into the right-of-way or over the property line.

5. Notwithstanding anything to the contrary contained herein, no fence in the sight triangle shall exceed four (4) feet in height.

E. *General Penalty.*

1. Except as provided in Subsection (B) of this Section, whenever in this Section any act is prohibited or whenever the doing of any act is required or the failure to do any act is prohibited, the violation of such provision of this Section shall be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment for a period not exceeding three (3) months, or by both such fine and imprisonment.

2. Whenever any provision of the Revised Statutes of Missouri or other Statute of the State limits the authority of the City to punish the violation of any particular provision of this Section to a fine of less amount than provided in Subparagraph (1) of this Subsection, or imprisonment for a shorter term than that provided in Subparagraph (1) of this Subsection, then the violation of such particular provision of this Section shall be punished by the imposition of not more than the maximum fine or imprisonment so authorized or by both such fine and imprisonment.

3. Each day any violation of this Section shall continue shall constitute a separate offense.

ARTICLE II
District "R-1" Single-Family Residential District Regulations

Section 400.060. Use Regulations.

[Ord. No. 525 §5.1-1, 6-2-1965]

A. In District "R-1", no building or premises shall be used and no building shall hereafter be erected or altered except for one (1) or more of the following uses:

1. Farm, truck garden, orchard, or nursery for growing or propagation of plants, trees, and shrubs, including temporary stands for seasonal sales of products raised on the premises, but not including the raising for sale of birds, bees, rabbits, or other animals, fish, or other creatures to such an extent as to be objectionable to surrounding residences by reason of odor, dust, noise, or other factors; and provided no retail or wholesale business office or store is permanently maintained on the premises.

2. *Single-family dwellings*. In the case of a single-family dwelling that is used as a "group home" the exterior appearance of the home and property shall be in reasonable conformance with the general neighborhood standards. Provided further, that there shall be only one such home in any neighborhood.

3. Churches and parish halls, temples, convents, and monasteries.

4. Colleges and schools, public or private, having a curriculum and conditions under which teaching is conducted equivalent to a public school and institutions of higher learning.

5. Home occupations.

6. Non-profit libraries or museums, art galleries; public utility installations for sewer, water, gas, electric and telephone mains and incidental appurtenances.

7. Public parks, playgrounds, golf courses (public or private except miniature golf courses, putting green, driving ranges, and similar activities operated as a business), non-profit, non-governmental public recreation, and community buildings.

8. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, power houses, interlocking towers, and fueling, sanding, and watering stations.

9. Temporary buildings, the uses of which are incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision and which shall be removed upon completion or abandonment of such

construction, or upon the expiration of a period of two (2) years from the time of erection of such temporary buildings, whichever is sooner.

10. Temporary signs pertaining to the lease, hire, or sale of a building or premises on which such sign is located.

11. Accessory buildings and uses including, but not limited to accessory private garages, servants quarters, guest houses, swimming pools, home barbecue grills, customary church bulletin boards or identification signs not exceeding thirty (30) square feet in area for permitted public and semi-public uses, accessory storage, and accessory off-street parking and loading spaces.

Section 400.070. Parking Regulations.

[Ord. No. 525 §5.1-2, 6-2-1965]

Off-street car parking space shall be provided in the proportion of one (1) such parking space for each dwelling unit.

Section 400.080. Front Yards.

[Ord. No. 525 §5.1-3, 6-2-1965]

No building or structure shall be erected or altered or moved nearer to the front lot line than twenty-five (25) feet. Provided, however, that when thirty percent (30%) or more of the frontage abutting on one (1) side of the street between two (2) intersecting streets is built up with buildings having more or less front line set-back than twenty-five (25) feet, then no building or structure hereinafter erected or altered shall project beyond the average front line set-back so established. Said front line set-back shall be measured from the front lot line to the nearest building line, exclusive of porches, porticoes, bay windows, steps or cornices. Buildings and structures located upon corner lots shall comply with the front line set-back on either or both streets, and in all cases there shall be a set-back line of not less than twenty (20) feet from the side street.

Section 400.090. Sideline Setback.

[Ord. No. 585 §1, 10-2-1968; Ord. No. 1040 §1, 3-19-2002]

No residence, including an attached or semi-attached garage and porches, enclosed or unenclosed, shall be located closer than ten (10) feet to either sideline of the lot, track or parcel of land upon which it is located. Provided, however, the ten (10) foot sideline setback requirement may be waived by the Planning Board in the case of accessory building whenever adjacent property owners have given written consent.

Section 400.100. Rear Yard and Rear Yard Set-Back Requirements.

[Ord. No. 525 §5.1-5, 6-2-1965; Ord. No. 915 §1, 11-12-1996]

There shall be no less than twenty-five (25) feet of rear yard for each such dwelling or residence measured to the rear lot line from the rear building line of the building or structure, excluding porches. In addition, no garage, shed or other accessory buildings as defined in Section 400.060(11) shall be located closer than twelve (12) feet to the rear lot line of a lot, tract or parcel of land upon which such shed, garage or accessory building is located. Provided however, that the twelve (12) foot rear line set-back requirement may be waived by the Planning Board in the case of a shed, garage, or accessory building, whenever all adjacent property owners have given written consent.

Section 400.110. Lot Area per Family.

[Ord. No. 525 §5.1-6, 6-2-1965]

Every building hereafter erected or structurally altered shall provide a lot area of not less than six thousand (6,000) square feet per family in case of a single-family dwelling, where connected with a public sewer, and twelve thousand (12,000) square feet per family where no such sewer connection exists.

ARTICLE III
"R-2" Multiple-Family Residential District Regulations

Section 400.120. Use Regulations.

[Ord. No. 525 §5.2-1, 6-2-1965]

A. In District "R-2", no building or premises shall be used and no building shall hereafter be erected or altered except for one (1) or more of the following uses:

1. Any use permitted in "R-1" Single-Family Residential District.

2. Two-family dwellings.

3. Multiple-family dwellings.

4. Boarding, rooming and lodging houses.

5. Private clubs, fraternities, sororities, and lodges, excepting those the chief activity of which is a service customarily carried on as a business.

6. Lodging establishments.

7. Non-profit, religious, education, and philanthropic institutions.

8. Accessory buildings and uses, including for permitted non-residential uses and lodging establishments, one illuminated, non-flashing, identification sign, not extending above the roof, with sign area not exceeding fifteen (15) square feet, indicating only the name or address of the building or the management thereof. The height of letters on any side of awnings or canopies shall not exceed one (1)

foot. A building on a corner lot shall be permitted one (1) such sign for each fronting street.

Section 400.130. Parking Regulations.

[Ord. No. 525 §5.2-2, 6-2-1965]

Off-street parking space shall be provided in the proportion of one (1) such parking space to each dwelling unit.

Section 400.140. Front Yards.

[Ord. No. 525 §5.2-3, 6-2-1965]

The provisions of the paragraph entitled "Front Yards" in Section 400.080 shall be applicable in District "R-2".

Section 400.150. Side Yards.

[Ord. No. 525 §5.2-4, 6-2-1965]

A. There shall be a side yard on each side of every building, except an accessory building, with a minimum width of not less than twelve (12) feet.

B. On a corner lot, the side yard regulation shall be the same as for interior lots, except in the case of reversed frontage where interior lots have been platted or sold fronting on the side street. In this case, there shall be a side yard on the street side of the corner lot not less than one-half (½) of the front yard required above.

Section 400.160. Rear Yards.

[Ord. No. 525 §5.2-5, 6-2-1965]

The rear yards in this District shall have a minimum depth of twenty-five percent (25%) of the depth of the lot, but the depth of such rear yard need not be more than thirty (30) feet.

Section 400.170. Lot Area per Family.

[Ord. No. 525 §5.2-6, 6-2-1965]

A. No building shall be erected or altered to accommodate or make provision for less than the following number of square feet of lot area per family when connected to a sewer system approved by the State Board of Health:

1. For one-family dwellings, six thousand (6,000) square feet;

2. For two-family dwellings, four thousand five hundred (4,500) square feet;

3. For three- and four-family dwellings, three thousand (3,000) square feet;

4. For apartments, one thousand five hundred (1,500) square feet.

B. When a septic tank, approved by the State Board of Health is used, fifteen thousand (15,000) square feet per family.

ARTICLE IV
District "R-1" and District "R-2" Construction Requirements

Section 400.180. Building Construction Requirements.

[Ord. No. 525 §§5.3-1 — 5.3-10, 6-2-1965]

A. *Size.*

1. The first floor of any one-story residential structure must contain a minimum of nine hundred (900) square feet measured from the outside of the outside walls and exclusive of the area of any attached accessory buildings.

2. The first floor of any two-story residential structure must contain a minimum of seven hundred (700) square feet measured from the outside walls and exclusive of the area of any attached accessory buildings, and the second floor must have a minimum of two hundred (200) square feet of finished living area.

B. *Foundations.* All residential structures must have footings and foundations extending a minimum of thirty (30) inches below the finished grade level and meeting the approval of the enforcement officer.

C. *Floor Joists.* Floor joists must be at least two (2) inches by eight (8) inches or the equivalent and must be spaced not more than twenty (20) inches apart on center.

D. *Ceiling Joists.* Ceiling joists must be at least two (2) inches by six (6) inches or the equivalent and must be spaced not more than twenty-four (24) inches apart on center.

E. *Studs.* Studs must be at least two (2) inches by four (4) inches or the equivalent and must be not more than twenty (20) inches apart on center.

F. *Sidings.* The outside of each residential structure shall be fully covered by a standard wood or metal siding, shingles, stucco or other similar high grade material meeting the approval of the enforcement officer.

G. *Roofs.* The roof shall be of wood shingle, composition shingle, tile or slate or a similar quality of material meeting the approval of the enforcement officer.

H. *Toilets.* All residential structures shall have inside toilets connected to a sewer line or a septic tank built according to the requirements of the State Board of Health.

I. *Trailers.* No auto trailer or movable house or home is permitted except on established trailer court.

J. *Storage Tanks.* No storage tanks above ground are permitted except that liquified petroleum gas tanks may be permitted by the Commission when in its judgment the safety of the community will not be adversely affected.

ARTICLE V

District "B-1" Neighborhood Business District Regulations

Section 400.190. Use Regulations.

[Ord. No. 525 §6-1, 6-2-1965]

A. *Use Regulations.* A building or premises shall be used only for the following purposes:

1. Any use permitted in the "R-2" Multiple-Family Residential District.

2. Automobile parking lots and storage garages.

3. Display room for merchandise to be sold on order when merchandise sold is stored elsewhere.

4. Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, dry cleaning and pressing and bakery, with sale of bakery products on the premises and other uses of a similar character; provided that no use permitted in this item shall occupy more than two thousand five hundred (2,500) square feet of floor area.

5. Filling stations, so long as bulk storage of inflammable liquids is underground.

6. Hospital or clinic for small animals, dogs, cats, birds, and the like, provided that such hospital or clinic and any treatment rooms, cages, pens, or kennels be maintained within a completely enclosed, soundproof building and that such hospital or clinic be operated in such a way as to produce no objectionable odors outside its walls.

7. Offices and office buildings, including clinics.

8. Outdoor advertising structure or non-flashing sign pertaining only to a use conducted within the building, and any sign or display in excess of thirty (30) square feet in area shall be attached flat against a wall of the building, and in no case, shall any sign or display project above the roof line. The permitted thirty (30) square feet of sign area for projecting or free-standing signs may be in one (1) sign or the aggregate area of several signs.

9. Personal service uses including barber shops, banks, beauty parlors, photographic or artists studios, messengers, taxicabs, newspaper or telegraphic service stations, dry cleaning receiving stations, restaurants, (but not drive-in restaurants), undertaking establishments and other personal service uses of a similar character.

10. Retail stores, including florist shops and greenhouses in connection with such shops, but there shall be no slaughtering of animals or poultry on the premises of any retail store.

11. Self-service laundries.

12. Accessory buildings and uses.

Section 400.200. Front Yards.

[Ord. No. 525 §6-2, 6-2-1965]

The provisions of the paragraph entitled "Front Yard" in Section 400.080 above shall be applicable in District "B-1".

Section 400.210. Side Yards.

[Ord. No. 525 §6-3, 6-2-1965]

No side yard is required in this District, except on a lot having common sides with an extension of a sideline of a residentially zoned lot, or a sideline which is common with a rear line of a residentially zoned lot. In this case, the side yard in the Business District shall conform to the requirements for a side yard in that residential district. On a corner lot which side street line is substantially a continuation of the front street line of the lot or lots to its rear, there shall be a side yard equivalent to one-half (½) of the front yard requirements in Section 400.200.

Section 400.220. Rear Yards.

[Ord. No. 525 §6-4, 6-2-1965]

The rear yard for business buildings shall be at least three (3) inches in the least dimensions for each foot of height of the building at any given level, but must be at least four (4) feet. Where there is an alley, the rear yard shall be measured to the center of the alley. Where the rear yard abuts or adjoins a residential district, it shall be at least ten (10) feet in depth.

Section 400.230. Rear Access.

[Ord. No. 525 §6-5, 6-2-1965]

Accessibility to the rear portion of all lots, tracts, or parcels of land for the ingress and egress of four-wheeled vehicles to and from a public highway, street, or alley shall be provided in the plans and construction of all buildings and structures. Provided, however, this requirement may be waived where such access is not available or is obviously impractical or unnecessary.

Section 400.240. Car Parking.

[Ord. No. 525 §6-6, 6-2-1965]

Off-street car parking space shall be provided in the proportion of one (1) such parking space for each three (3) employees, or fraction thereof, employed upon the premises. Loading docks shall be provided, the use of which shall not interfere with street traffic.

ARTICLE VI
District "M-1" Light Industry

Section 400.250. Use Regulations.

[Ord. No. 525 §7-1, 6-2-1965]

A. A building or premises shall be used only for the following purposes, but subject to the special conditions of this Section as enumerated below:

1. Laboratories, research, experimental, or testing.

2. Coal and firewood yards, building material yards and planing mills.

3. Filling stations, providing the pumps for dispensing vehicular fuels are no closer than ten (10) feet to the right-of-way line of the nearest public street, alley or way.

4. Compounding of cosmetics, toiletries, drugs, and pharmaceutical products.

5. Manufacture or assembly of medical and dental equipment, drafting, optical, and musical instruments, watches, clocks, toys, games, and electrical or electronic apparatus.

6. Manufacture or assembly of boats, bolts, nuts, screws, and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery, and hardware products, sheetmetal products, and vitreous enameled metal products.

7. Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, and printing and finishing of textiles and fibers into fabric goods.

8. Manufacture of boxes, crates, furniture, baskets, veneer, and other wood products of a similar nature.

9. Generally those light manufacturing uses similar to those listed in items (4) through (8) above, which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare than that which is generally associated with light industries of the type specifically permitted.

10. Accessory buildings and uses including accessory signs and advertising structures related to the activity conducted on the premises.

11. Railroad sidings.

Section 400.260. Special Conditions.

[Ord. No. 525 §7-2, 6-2-1965]

A. The uses enumerated above shall be subject to the following special conditions:

1. All uses shall be conducted within a completely enclosed building with no open storage of raw, in process, or finished material and supplies or waste material.

2. All main plant buildings shall be of concrete, structural steel, or masonry construction and limited to thirty (30) feet in height, unless otherwise approved by the Board of Adjustment.

3. Adequate parking and loading space shall be provided off the street for all employees and traffic to the premises.

4. Loading operations shall be conducted at the side or rear of buildings.

5. No parking shall be permitted in the required front yard.

6. The front yard shall be landscaped with trees, grass, shrubs, or pedestrian walks and maintained in a neat and attractive condition.

7. All fencing shall have a uniform and durable character and shall be properly maintained.

8. Accessory signs in excess of fifty (50) square feet in area shall be attached flat against a building.

Section 400.270. Front Yards.

[Ord. No. 525 §7-3, 6-2-1965]

Same as for District "B-1".

Section 400.280. Side Yards.

[Ord. No. 525 §7-4, 6-2-1965]

Same as for District "B-1".

Section 400.290. Rear Yards.

[Ord. No. 525 §7-5, 6-2-1965]

Same as for District "B-1".

Section 400.300. Lot Area per Family.

[Ord. No. 525 §7-6, 6-2-1965]

Same as for District "R-1".

ARTICLE VII
District "T-1" Trailer Court Park

Section 400.310. District "T-1".

[Ord. No. 649 §§1 — 2, 1-18-1973]

There is hereby established zoning to be called "T-1", same applying only to Lots 11 and 12, Block 19, of the City of Lathrop. In establishing "T-1" the same shall apply only to the lots here stated and will not apply to any other part of the City or any territory hereinafter annexed.

ARTICLE VIII
Prohibited Uses

Section 400.320. Prohibited Structures.

[Ord. No. 525 §8-1, 6-2-1965]

No temporary or incomplete building, nor any lean-to, tent, or impermanent structure, nor any trailer or mobile equipment nor garage, nor appurtenance incident to a family dwelling shall be erected, maintained, or used for residential purposes.

Section 400.330. Incomplete Structures Prohibited — How Long. [1]

[Ord. No. 525 §8-2, 6-2-1965]

No temporary or outwardly incomplete structure or building, no open excavation for basement or foundation, and no building or structure damaged so as to be unfit for use, shall be maintained, or remain in such condition for a period exceeding six (6) months, except by special permission of the Board of Aldermen of the City. No basement houses are permitted. All houses must be completed on the outside within eighteen (18) months after receiving the building permit.

Section 400.340. Storage of Building Materials Prohibited in Resident Districts — When.

[Ord. No. 525 §8-3, 6-2-1965]

No building material, construction equipment, or refuse shall be stored, maintained, or kept in the resident district except during actual construction operations on the premises.

Section 400.350. Prohibited Building Usage.

[Ord. No. 525 §8-4, 6-2-1965; Ord. No. 1028 §1, 11-20-2001]

A. No building or premises shall be erected or used in the City of Lathrop for the following purposes:

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1. **Cross Reference — As to building permit fees regulations, see §§400.520 et seq. and 500.040.**

1. Junk yard or junk storage room, unless screened.
2. Tourist or trailer camp except in established trailer courts.
3. Slaughter house or commercial poultry dressing or processing establishment.
4. Animal hospital for pets or domestic animals.
5. Kennels or stables for the commercial breeding of and raising of animals.
6. The stabling or keeping or maintaining or raising of horses as pets or otherwise within the City limits of Lathrop, Missouri.
7. The keeping or maintaining or raising of hogs, cattle, goats or other domesticated or wild animals, including rabbits, chickens, ducks, turkeys or other domestic fowl or wild fowl.
8. Any person who, at the time of the passage of this Section (November 20, 2001), who is currently stabling, keeping, maintaining or raising horses on their property within the City limits of Lathrop, Missouri, and who uses such horses in their business will be exempted from the application of this Statute and will be deemed to have a legal non-conforming use of their property so long as such horses continue to be used by any such person for business purposes.

ARTICLE IX
Newly Annexed Territory

Section 400.360. New Annexation.

[Ord. No. 525 Art. 9, 6-2-1965; Ord. No. 944 §2, 8-11-1998]

All territory hereafter annexed to the City of Lathrop, shall be automatically classified as "R-1" Single-Family Residential District if such territory that is being annexed is improved. All territory hereinafter annexed that is unimproved shall be classified as "A-1" Agricultural. All such newly annexed territory shall bear the foregoing classifications until such property is permanently zoned by the Board of Aldermen of the City of Lathrop. The Board of Aldermen shall, as soon as practicable and necessary after annexation, undertake to establish permanent zoning of said territory in accordance with the provisions for amendment of this Chapter.

ARTICLE X
Non-Conforming Uses

Section 400.370. Non-Conforming Use of Buildings.

[Ord. No. 525 §10-1, 6-2-1965]

Except as otherwise provided herein, the lawful use of a building existing at the effective date of this Chapter (June 2, 1965), or any amendment hereto may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same

or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The non-conforming use of a building may be hereafter extended throughout those parts of a building which were lawfully and manifestly arranged or designed for such use at the time of the enactment of this Chapter.

Section 400.380. Discontinuance of Non-Conforming Uses.

[Ord. No. 622 §2, 5-24-1971]

No building or portion thereof and no trailer used in whole or in part for a non-conforming use in a residential district which remains idle or unused for a continuous period of ninety (90) days, whether or not the said building or portion thereof or trailer is removed shall again be used except in conformity with the regulations of the district in which such building or portion thereof or trailer or land is located.

Section 400.390. Destruction of a Non-Conforming Use.

[Ord. No. 525 §10-3, 6-2-1965]

No building which has been damaged by any cause whatsoever to the extent of more than ninety percent (90%) of the fair market value of the building, immediately prior to damage, shall be restored except in conformity with the regulations of this Chapter, and all rights as a non-conforming use are terminated. If a building is damaged by less than ninety percent (90%) of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within twelve (12) months of the date of such damage.

Section 400.400. Intermittent Use.

[Ord. No. 525 §10-4, 6-2-1965]

The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a non-conforming use and the existence of a non-conforming use on the part of a lot or tract shall not be construed to establish a non-conforming use on the entire lot or tract.

ARTICLE XI
Planning Commission [2]

Section 400.410. Membership of Planning Commission.

[Ord. No. 525 §11-1, 6-2-1965; Ord. No. 1016 §1, 5-8-2001]

The Planning Commission of the City of Lathrop, Missouri, shall consist of the Mayor, a member of the Board of Aldermen selected by the Board, and five (5) citizens of the City,

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2. Cross Reference — As to removal of members for non-payment of any city tax, see §120.005.

appointed by the Mayor and approved by the Board of Aldermen. All citizen members of the Commission shall serve without compensation. The five (5) citizen members first (1st) appointed shall serve for staggered terms of one (1) to four (4) years. Two (2) such citizen members of the first (1st) Commission after passage of this Section shall serve for one (1) year terms; with the other three (3) members of the Board serving a two (2) year term, a three (3) year term and a four (4) year term, respectively. Thereafter, citizen members shall be appointed for terms of four (4) years each. Any vacancy in the citizen membership shall be filled by the appointment of the Mayor with the approval of the Board of Aldermen. The Board of Aldermen may remove any citizen for cause stated in writing and after affording such citizen member a public hearing.

Section 400.420. Commission Officers.

[Ord. No. 525 §11-2, 6-2-1965]

The Commission shall elect its Chairman and Secretary from among the citizen members. The term of Chairman and Secretary shall be for one (1) year with eligibility for re-election.

Section 400.430. Rules, Records and Expenditures.

[Ord. No. 525 §11-3, 6-2-1965]

The Commission shall hold regular meetings and special meetings as they are provided by rule, and shall adopt rules for the transaction of business and keep a record of its proceedings. These records shall be public records. The expenditures of the Commission, exclusive of grants and gifts, shall be within the amounts appropriated for the purpose by the Board of Aldermen.

ARTICLE XII
Board of Adjustment [3]

Section 400.440. Membership of Board.

[Ord. No. 525 §12-1, 6-2-1965]

The Board of Adjustment shall consist of five (5) members who are appointed by the Mayor and approved by the Board of Aldermen, who shall be residents of the City of Lathrop, Missouri. The membership of the first board appointed shall serve respectively one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, and one (1) for five (5) years. Thereafter members shall be appointed for terms of five (5) years each. All members shall be removable for cause by the appointing authority upon written charges and after public hearings. The Mayor with the approval of the Board of Aldermen shall fill vacancies for the unexpired term of any member.

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3. Cross Reference — As to removal of members for non-payment of any city tax, see §120.005.

Section 400.450. Organization of Board.

[Ord. No. 525 §12-2, 6-2-1965]

The Board shall elect its own Chairman who shall serve for one (1) year. The Board shall adopt rules of procedure. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his/her absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All testimony, objections thereto and rulings thereon shall be taken down by a reporter employed by the Board for that purpose.

Section 400.460. Powers and Duties of Board.

[Ord. No. 525 §12-3, 6-2-1965]

A. The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Chapter.

2. To hear and decide special exceptions to the terms of this Chapter or other matter upon which such Board is required to pass under this Chapter.

3. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the construction or alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

ARTICLE XIII
Zoning Enforcement Officers

Section 400.470. Building Inspector.

[Ord. No. 525 §13-1, 6-2-1965]

There is hereby created the office of Building Inspector, whose term of office shall be for the calendar year commencing on the first (1st) day of January. Said Building Inspector shall be appointed by the Board of Aldermen of the City. Said Building Inspector may or may not be a member of the City Planning Commission and may hold any other appointive office under the Board of Aldermen of the City. The Board of Aldermen of the City may appoint a City Building Inspector to fill the vacancy created by the removal, resignation, or disability of the Building Inspector to act. The Board of Aldermen of the City may appoint a City Building Inspector for the period beginning with the enactment of this Chapter until the first (1st) of

January, next. The City Building Inspector shall have the powers and duties provided in this Chapter and shall report to the City Planning Commission and the Board of Aldermen any and all violations of the provisions of this Chapter.

Section 400.480. Clerk of Planning Commission.

[Ord. No. 653 §2, 1-26-1973; Ord. No. 1257 §1, 6-17-2014]

The City Clerk shall be Clerk of the Planning Commission.

Section 400.490. City Engineer.

[Ord. No. 525 §13-3, 6-2-1965]

The City Engineer shall prepare and maintain a Zoning Map of the City of Lathrop and deliver the same to the City Clerk. The City Engineer shall certify the accuracy of said Map, in writing, to the Board of Aldermen of the City upon such delivery, and quarterly thereafter.

ARTICLE XIV
Public Notice of Hearings

Section 400.500. Public Notice of Hearing — When.

[Ord. No. 525 §14-1, 6-2-1965]

Public notice of any hearing as required by State law or this Chapter shall be deemed to have been given when a notice setting forth the general purpose of any such hearing and the time and place thereof shall have been published at least one (1) time in the official newspaper doing the City printing, at least fifteen (15) days before the date set for such hearing.

Section 400.510. Other Notice.

[Ord. No. 525 §14-2, 6-2-1965]

Such other notice may be given as the Board of Aldermen, the City Planning Commission, or the Board of Adjustment shall order.

ARTICLE XV
Permits, Plats and Filing Fees [4]

Section 400.520. Permits.

[Ord. No. 398 §102, 7-2-1952; Ord. No. 525 §15-1, 6-2-1965]

A. No building shall be erected, constructed, altered, moved, converted, extended, or enlarged without the owner or owners first having obtained a building permit therefor

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4. Cross Reference — As to additional building fees, §500.040 of this code.

from the Building Inspector, such permit shall require conformity with the provisions of this Chapter. When issued, such permit shall be valid for a period of six (6) months.

B. Ordinary repairs and minor alterations not involving any change in major structural parts such as walls, beams, girders, chimneys and flues, or involving a cost of not more than two hundred dollars ($200.00); or erection of detached outbuildings outside the Fire Limits (such as sheds, chicken houses, and one-car private garages) costing not more than two hundred dollars ($200.00); or minor changes or repairs in electrical wiring or equipment, shall not require the issuance of a permit.

C. No building shall be moved until a permit has been obtained from the Board of Aldermen and such officials shall not issue such permit if in his/her judgment the proposed new location would seriously increase the fire hazards of the surrounding buildings.

D. When any wall, structure, building or part thereof shall be constructed within the corporate limits without a permit or contrary to the provisions of this Title, it shall be taken or torn down or removed, and the expense incident thereto shall be recovered of the owner of said property by a suit in a court of competent jurisdiction.

Section 400.530. Application for Permit.

[Ord. No. 525 §15-2, 6-2-1965]

All applications for building permits shall be filed with the Building Inspector in duplicate, upon prescribed forms setting forth the legal description of the lot, tract, or parcel of land, together with a general description of the building or structure to be constructed, erected, or altered thereon, including the approximate size, shape, square foot area and cubic content, principal material of construction, and location of the building, or structure upon the lot, tract, or parcel of land and the intended use.

Section 400.540. Plats.

[Ord. No. 525 §15-3, 6-2-1965]

All applications for building permits shall be accompanied by a drawing or plat in duplicate or as required by the enforcement officer, showing, with dimensions, the lot lines, the building or buildings, the location of buildings on the lot, the location of the proposed sewage, water, gas, and electric lines servicing said structure, and such other information as may be necessary to provide for the enforcement of this Chapter, including, if necessary, a boundary survey and a staking of the lot by a competent surveyor and complete construction plans. The drawings shall contain suitable notations indicating the proposed use of all land and buildings. A careful record of the original copy of such applications and plats shall be kept in the offices of the enforcing officer and a duplicate copy shall be kept at the building at all times during construction.

Section 400.550. Fees. [5]

[Ord. No. 525 §15-4, 6-2-1965; Ord. No. 977 §1, 9-14-1999; Ord. No. 1029 §2, 11-20-2001; Ord. No. 1083 §1, 6-15-2004]

A. The following fees are hereby established:

1. The fee for the filing of applications to the City Planning Commission or Board of Adjustment shall be as follows:

   a. Application for rezoning, thirty-five dollars ($35.00);

   b. Application of Board of Adjustment, twenty-five dollars ($25.00); and

   c. Applicant will pay, in addition to the filing fee, the cost of any publication required.

2. For the examination of plats of subdivisions, for plats of no more than ten (10) lots, twenty-five dollars ($25.00) and for each additional lot over ten (10) lots a fee of one dollar ($1.00) per lot.

3. For signboards over the first twenty-five (25) square feet, a minimum of five dollars ($5.00) and for each square foot over twenty-five (25) square feet, twenty cents ($0.20) per square foot.

Section 400.560. Separate Permits — When.

[Ord. No. 525 §15-5, 6-2-1965]

There shall be a separate permit for each building or structure to be constructed, erected, or altered, except accessory buildings and appurtenances which may be included in the permit for the principal building when such construction is simultaneous.

ARTICLE XVI
Request for Changes in Zoning

Section 400.570. Board of Aldermen May Make Changes.

[Ord. No. 525 §16-1, 6-2-1965]

The Board of Aldermen may, from time to time, amend, supplement, or change, by ordinance, the boundaries of the districts or the regulations herein established.

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5. **Editor's Note — Ord. no. 1083 §1, adopted June 15, 2004, removed all building permit fees herein. As to building permit fees, see §500.040.**

Section 400.580. Board of Aldermen to Submit Changes to the Planning Commission.

[Ord. No. 525 §16-2, 6-2-1965]

Before taking any action on any proposed amendment, supplement, or change, the Board of Aldermen shall submit the same to the Planning Commission for its recommendations and report.

Section 400.590. Planning Commission to Hold Public Hearing.

[Ord. No. 525 §16-3, 6-2-1965]

The Planning Commission shall hold a public hearing thereon, before submitting its report to the Board of Aldermen. Notice of public hearings before the Commission shall be given by publishing the time, place, and nature of the hearing not more than thirty (30) nor less than fifteen (15) days before the hearing, at least once in the official City newspaper. The cost of publication shall be borne by the applicant, who shall make a deposit of twenty-five dollars ($25.00) to the City Clerk, in advance, to cover such costs.

Section 400.600. Change in Regulations, Restrictions and Boundaries — Procedure.

Such regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds (⅔) of all the members of the legislative body of such municipality. The provisions of Section 89.050, RSMo., relative to public hearing and official notice shall apply equally to all changes or amendments.

Section 400.610. Re-Petition — When.

[Ord. No. 525 §16-5, 6-2-1965]

Whenever a petition requesting an amendment, supplement, or change has been denied by the Board of Aldermen, such petition, or one substantially similar, shall not be reconsidered sooner than one (1) year after the previous denial.

ARTICLE XVII
Plats or Replats

Section 400.620. Plans, Plats or Replats to Be Submitted on Application Forms.

[Ord. No. 525 §17-1, 6-2-1965]

All plans, plats or replats of land and the streets and alleys thereof, and plans of streets and alleys intended to be dedicated for public use or the use of owners fronting thereon, or adjacent thereto, located within the City limits of Lathrop, Missouri, or outside of, but within

three (3) miles of the City limits, shall be submitted to the City Planning Commission on application forms provided by said Commission, and by them to the Board of Aldermen of the City for consideration and action.

Section 400.630. Application Filed With Clerk of City Planning Commission.

[Ord. No. 525 §17-2, 6-2-1965]

Said application shall be filed with the Clerk of the City Planning Commission, who shall note thereon the time of filing and the applicant shall be afforded an opportunity to be heard by the City Planning Commission upon said application. No such plat or replat or dedication or deed of a street or public way shall be offered for record to the Registrar of Deeds until it shall bear endorsed upon it the fact that it has first been submitted to the City Planning Commission for recommendation, and by them to the Board of Aldermen of the City and approved by the latter.

Section 400.640. City Planning Commission to Make Recommendation.

[Ord. No. 525 §17-3, 6-2-1965]

The City Planning Commission shall make their recommendations as to such plans, plats or replats so submitted, including recommendations concerning the use of such land at the first (1st) regular meeting of the City Planning Commission following the filing of said plan, plat or replat. Provided, however, said plan, plat, or replat shall have been on file with the City Planning Commission for a period of at least ten (10) days.

ARTICLE XVIII
Appeals

Section 400.650. Board of Adjustment — Appeals — Procedure.

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him/her that by reason of facts stated in the certificate a stay would, in his/her opinion, cause immediate peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

Section 400.660. Board of Adjustment — Decisions Subject to Review — Procedure.

Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, or any officer, department, board or bureau of the City, may present to the Circuit Court of the County in which the property affected is located a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the board. Upon the presentation of such petition the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order. The Board of Adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his/her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which a determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issues in any proceedings under Sections 89.080 to 89.110, RSMo., shall have preference over all other civil actions and proceedings.

ARTICLE XIX
Penalty

Section 400.670. Building Inspector Enforces Provisions.

[Ord. No. 525 §20-1, 6-2-1965]

It shall be the duty of the Building Inspector to enforce the provisions of this Chapter and to refuse to issue any permit, for any building, or for the use of any premises which would violate any of the provisions of this Chapter. It shall also be the duty of all officers and employees of the City, and especially of all members of the Police Department to assist the enforcing officer by reporting to him/her any seeming violation in new construction, reconstruction, or land uses.

Section 400.680. Violations — Penalties.

A. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of Sections 89.010 to 89.140, RSMo., or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the City, in addition to other remedies, may

institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo.

B. The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars ($10.00) and not more than one hundred dollars ($100.00) for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than one hundred dollars ($100.00) or more than two hundred fifty dollars ($250.00) for each and every day that such violation shall continue, or by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court.

C. Any such person who having been served with an order to remove any such violation shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo., in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars ($250.00).

ARTICLE XX
District "A-1"

Section 400.690. Use Regulations.

[Ord. No. 944 §3, 8-11-1998]

Any building or premises located in the "A-1" Agricultural District shall be used only for agricultural purposes and devoted primarily to the raising and harvesting of crops or shall be used for horticultural purposes.

ARTICLE XXI
Conditional Use Permits

Section 400.700. Purpose of Conditional Use Permits.

[Ord. No. 1098 §1, 3-15-2005]

The conditional use permit procedure is designed to provide the Planning and Zoning Commission and the Board of Aldermen with an opportunity for discretionary review of requests to establish uses or construct structures which may not be specifically allowed in a given zoning district, but may be deemed desirable or in the public interest to locate in that zoning district. The purpose of the review is to determine whether the proposed location of the use or structure is consistent with the overall intent of the zoning district regulations and to permit the imposition of conditions designed to minimize or mitigate potential adverse effects. Conditional use permits do not constitute a zoning change and only allow for a designated use on a specific lot or tract within the established zoning district.

Section 400.710. Procedures.

[Ord. No. 1098 §2, 3-15-2005]

A. A conditional use permit may be initiated by an application by one (1) or more of the owners of record or owners under contract of a lot or tract of land or their authorized representatives. Procedures for application, review and approval of conditional use permits shall be as follows:

1. An application for a conditional use permit for a specific tract of land shall be addressed to the Planning and Zoning Commission and shall be filed with the Planning and Zoning Commission Secretary. The application shall be filed on forms provided for that purpose and be accompanied by the following:

a. Filing fee of thirty-five dollars ($35.00) plus the projected cost for the publication of the public notices required to advertise the required public hearing;

b. The applicant's name and address and legal interest in the subject property;

c. The owner's name and address, including trustees and, if different than the applicant, the owner's signed consent to the filing of the application and authorization for the applicant to act in his behalf;

d. The legal description of the property;

e. The zoning classification and the present use of the property;

f. A description of the proposed conditional use;

g. A site plan in accordance with this Section;

h. A statement describing how the proposed conditional use will comply with the applicable standards of this Section; and

i. A statement describing how the proposed conditional use is to be designed, arranged and operated in order to ensure that future development that is consistent with district regulations will not be prevented or made unlikely, and that the value, use and reasonable enjoyment of such property will not be impaired or adversely affected.

2. *Site plan content.*

a. Approximate location of proposed and existing designated uses or buildings and other structures, including adjoining property, as well as parking and open areas shall be indicated for the proposed conditional use and adjacent property;

b. Existing and proposed contours at vertical intervals of not more than five (5) feet referred to sea level datum. Flood plain areas shall be delineated;

c. Approximate location of all isolated trees having a trunk diameter of six (6) inches or more, all tree masses and proposed landscaping/screening plan;

d. An elevation view of the site showing preliminary building form (new construction only);

e. Proposed ingress and egress to the site including right-of-way and pavement width for proposed and existing streets;

f. A plan for the provision of sanitation and drainage facilities;

g. The location, lighting and type of signs and the relationship of the signs to traffic control;

h. The location and number of required off-street parking areas; and

i. The location of existing utilities.

Section 400.720. Burden of Proof — Standards.

[Ord. No. 1098 §3, 3-15-2005]

A. In presenting any application for a conditional use permit, the burden of proof shall rest with the applicant to clearly establish that the proposed conditional use shall meet the following standards:

1. The proposed conditional use permit complies with all applicable provisions of the applicable district regulations.

2. The applicant has demonstrated through the provision of a traffic impact study or other acceptable method that the proposed conditional use at the specified location will not adversely affect the safety of the motoring public and pedestrians using the facility and surrounding area from traffic congestion and other hazards.

3. The location and size of the conditional use, the nature and intensity of operation involved in or conducted in connection with the conditional use and the location of

the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations or the policies of the Lathrop Comprehensive Plan. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:

a. The location, nature and height of buildings, structures, walls and fences on the site;

b. The nature and extent of proposed landscaping and screening on the site;

c. The noise characteristics of the use compared to the typical use in the district and any reduction solutions;

d. The potential glare of vehicles and stationary lights on site and any measures employed to mitigate their impact;

e. Sign location, type, size and lighting; and

f. The impact on or potential interference with any easements, roadways, driveways, rail lines, utilities and stormwater management systems.

4. Off-street parking and loading areas will be provided in accordance with the standards set forth in this Article.

5. Adequate utility, drainage and other such necessary facilities have been or will be provided.

6. The proposed uses where such developments and uses are deemed consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in this district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and are deemed essential, convenient or desirable to preserve and promote the public health, safety and general welfare of the citizens of the City of Lathrop, Missouri.

Section 400.730. Public Hearing.

[Ord. No. 1098 §4, 3-15-2005]

A. The Planning and Zoning Commission in accordance with the provisions of this Article shall hold a public hearing on the application for the conditional use permit.

B. Subsequent to the public hearing, the Secretary of the Planning and Zoning Commission shall certify that the application is complete and shall prepare a report to the Planning and Zoning Commission. Upon receipt of said report and after the holding of the public hearing, the Commission shall recommend to the Board of Aldermen approval or denial of the permit.

Section 400.740. Approval or Denial of the Permit by the Planning and Zoning Commission.

[Ord. No. 1098 §5, 3-15-2005]

A. Recommending approval of conditional uses, the Planning and Zoning Commission shall impose such conditions as it determines necessary. Said conditions shall include, but not be limited to, the following:

1. Permitted uses, including maximum floor area;
2. Performance standards;
3. Height limitations;
4. Minimum yard requirements;
5. Off-street parking and loading requirements;
6. Sign regulations;
7. Minimum requirements for site plans; and
8. Time limitations for commencement of construction.

B. Upon denial by the Planning and Zoning Commission of an application for a conditional use permit, the Secretary of the Planning and Zoning Commission shall notify the applicant of such recommendation. If no appeal is filed, the application shall be deemed denied. No subsequent application for a conditional use permit with reference to the same proposed use shall be filed by any applicant until the expiration of twelve (12) months after the denial.

Section 400.750. Appeal of Denial Recommendation.

[Ord. No. 1098 §6, 3-15-2005]

Upon the recommendation of denial by the Planning and Zoning Commission of an application, the applicant may file an appeal with the Board of Aldermen requesting a determination by that body. A notice of appeal shall be filed within ten (10) days after the Commission's hearing is concluded. An appeal shall be in writing and shall be filed with the City Administrator. The applicant shall have an additional thirty (30) days to file the actual appeal. The appeal shall specifically state how the application, as initially filed and subsequently modified, meets the criteria set forth in these regulations.

Section 400.760. Protest of the Commission's Decision.

[Ord. No. 1098 §7, 3-15-2005]

The protest against a proposed conditional use permit shall be filed in accordance with the provisions of this Article that address protest petitions for zoning cases.

Section 400.770. Board of Aldermen Review.

[Ord. No. 1098 §8, 3-15-2005]

In any case, subsequent to proper notification as described above, the Board of Aldermen may affirm, reverse or modify, in whole or in part, any determination of the Planning and Zoning Commission.

Section 400.780. Permit Effective When.

[Ord. No. 1098 §9, 3-15-2005]

The conditional use permit shall become effective upon approval by the Board of Aldermen. In the event that some additional approval is required by some other governmental authority or agency, the permit request shall not be acted upon until that approval is received.

Section 400.790. Final Site Plans.

[Ord. No. 1098 §10, 3-15-2005]

Subsequent to the effective date of the conditional use permit, a final site plan shall be submitted for review by the Planning and Zoning Commission to determine compliance with the specified conditions of the permit. The plan shall contain the minimum requirements established in the conditions governing the permit. No building permits or authorization for improvement or development for any use requested under provisions of this permit shall be issued prior to the effective date of the final site plan. The final site plan shall be retained on file in the office of the City Clerk.

Section 400.800. Procedure to Amend a Conditional Use Permit or Site Plan.

[Ord. No. 1098 §11, 3-15-2005]

A. In order to amend an existing conditional use permit or to amend the site plan approved for a conditional use permit, the procedure shall be as follows:

1. To amend a conditional use permit:

a. The property owner or authorized representative shall submit a written request to amend conditions. The City Administrator shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.

b. The City Administrator shall then forward the request and his report to the Planning and Zoning Commission. The Planning and Zoning Commission shall review the proposed amendments and file a report with the Board of Aldermen in which the Commission shall recommend to grant, deny or modify the requested condition amendments. If the Commission determines that the requested amendments are not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, the Commission may require a new public hearing on the matter in accordance

with the provisions of this Article specified for amending the zoning ordinance.

2. To amend the site plan:

   a. The property owner or authorized representative shall submit an amended site plan for review. The City Administrator shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally approved by the Board of Aldermen.

   b. If the City Administrator determines that the proposed amendment to the site plan is not in conflict with the final site plan and meets all conditions of the conditional use permit, the City Administrator may approve said amended plan. The approved plan shall be retained in the office of the City Clerk.

   c. If the City Administrator determines that the site plan is not consistent in purpose and content with the final site plan, the City Administrator shall so report to the applicant and the Planning and Zoning Commission. In which case, the review process for the submittal of conditional use permits shall be followed as described in this Article for the proposed amendment to the final site plan.

Section 400.810. Time Limit of Conditional Use Permits.

[Ord. No. 1098 §12, 3-15-2005]

Conditional use permits shall be valid for an unlimited period unless a lesser period shall be provided in a particular permit. Upon the expiration of the time limit specified in a particular permit, the property owner may request that the conditional use permit be reviewed by the Board of Aldermen, which may extend it for an unlimited period or for a specified additional period of years.

Section 400.820. Failure to Commence Construction.

[Ord. No. 1098 §13, 3-15-2005]

Unless otherwise stated in the conditional use permit, substantial work or construction shall commence within one (1) year of the effective date of the permit, unless such time period is extended through appeal to the Board of Aldermen. If no extension of time is granted, the permit shall terminate.

Section 400.830. Bed and Breakfast — Purpose.

[Ord. No. 1098 §14, 3-15-2005]

The purpose of these requirements is to minimize any possible adverse effects of a conditional use such as a bed and breakfast on the surrounding neighborhood while providing opportunities to make better use of existing housing, particularly larger older houses located on major streets.

Section 400.840. Approval Standards for a Bed and Breakfast.

[Ord. No. 1098 §15, 3-15-2005]

A. All applicants for a conditional use permit for bed and breakfasts shall comply with the following requirements:

1. The use shall front on a collector street or higher classification street;

2. The number of proposed guest rooms in a bed and breakfast shall be stated in the conditional use permit application;

3. Only short-term lodging shall be permitted, no monthly rentals;

4. There shall be no individual cooking facilities;

5. The facilities may be rented for receptions, parties, weddings or similar activities. Potential negative impacts, including, but not limited to, traffic, parking and noise, shall be addressed in the use permit application;

6. One (1) additional paved parking space per guestroom shall be provided in the rear yard;

7. The operator shall live at the bed and breakfast;

8. Only resident's guests shall be served meals;

9. One (1) sign no larger than six (6) square feet shall be permitted. Signs may be illuminated;

10. A business license shall be obtained annually;

11. No bed and breakfast shall be located within three hundred (300) feet of another bed and breakfast as measured along continuous public street rights-of-way from all streets abutting the bed and breakfast property, nor shall a bed and breakfast be located on property that abuts property on which another bed and breakfast is located.

Chapter 405

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ARTICLE I
General Provisions

Section 405.010. Definitions.

[Ord. No. 526 Art. 1 §1, 6-2-1965]

For the purpose of these regulations certain words and terms are herein defined; the singular includes the plural and the plural includes the singular, the word *"shall"* is mandatory and not directory.

BUILDING LINE — A line on a plat between which line and a street no building or structure may be erected.

COMMISSION — The City Planning Commission of Lathrop, Missouri.

CUL-DE-SAC — A minor street with only one (1) outlet and culminated by a turnaround.

EASEMENT — A grant by the property owner of the use, for a specific purpose of a strip of land by the general public, a corporation, or a certain person or persons.

LOT — A portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.

MAJOR THOROUGHFARE — A street designated as a major thoroughfare in the Major Thoroughfare Plan for Lathrop, Missouri.

MINOR STREET — A street not designated as a major thoroughfare in the Major Thoroughfare Plan for Lathrop, Missouri.

PERFORMANCE BOND — A surety bond or cash deposit made out to the City of Lathrop in an amount equal to the full cost of the improvements which are required by this Chapter, said cost being estimated by the City Planning Commission or City Attorney and said surety bond or cash deposit being legally sufficient to secure to the City of Lathrop that the said improvements will be constructed in accordance with this Chapter.

ROADWAY — That portion of the street available for vehicular traffic, and where curbs are laid, the portion from face to face of curbs.

STREET — All property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.

SUBDIVIDER — The term subdivider means any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined herein, and includes any agent of the subdivider.

SUBDIVISION — Subdivision means:

1. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any one of which is less than five (5) acres, for the purpose, whether immediate or future, or transfer of ownership; provided, however, that the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites shall be exempted; or

2. The improvement of one (1) or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

Section 405.020. Jurisdiction.

[Ord. No. 526 Art. 2 §1, 6-2-1965]

It shall be unlawful for the owner, agent, or persons having control of any land within the corporate limits of the City to subdivide or lay out such land into lots, blocks, streets, avenues, alleys, public ways and grounds, unless by plat in accordance with the laws of the State of Missouri and the provisions of this Chapter.

Section 405.030. Procedure.

[Ord. No. 526 Art. 2 §2, 6-2-1965]

A. In obtaining final approval of a proposed subdivision by the City Planning Commission and the Board of Aldermen, the subdivider shall submit a preliminary plan, a performance bond and a final plat in accordance with this Chapter:

   1. The subdivider shall first prepare and file with the City Planning Commission four (4) copies of a preliminary plan conforming to the requirements set forth in this Chapter. Said plans shall be accompanied by a fee of one dollar ($1.00) for each lot in the subdivision providing said subdivision does not consist of less than ten (10) lots, in which case a minimum filing fee of ten dollars ($10.00) shall be required.

   2. A hearing on the proposal will be held before the City Planning Commission at its first (1st) regular meeting following the filing. No hearing shall be held by the

Commission until notice thereof, which shall include the time and place, shall be given to interested parties by the City Attorney in behalf of the Commission by publication of notice of said hearing in a daily newspaper for at least one (1) insertion a week prior to the date of said hearing and by mailing a notice to the person or persons who filed the preliminary plan to the address set forth in the filing papers.

3. The City Planning Commission shall, as soon as possible, but not more than thirty (30) days after receipt of the preliminary plan of the subdivider, consider said report and pass upon the plan. It shall then set forth its recommendations in writing, whether of approval, modification or disapproval. In case of modification or disapproval, it shall give its reasons therefor. The City Planning Commission shall forthwith return one (1) copy of the approved preliminary plan to the subdivider.

4. Upon approval of the preliminary plan by the City Planning Commission, the subdivider may proceed with the preparation of the final plat and detailed construction drawings and specifications for the improvements required under this Chapter.

5. The approval of the preliminary plan by the City Planning Commission is revocable and does not constitute final approval or acceptance of the subdivision by the Board of Aldermen or authorization to proceed on construction of improvements within the subdivision, but shall constitute approval of layout and general engineering proposals and plans.

6. For final plat approval the subdivider shall submit to the City Planning Commission:

   a. Twelve (12) copies of the final plat.

   b. A performance bond in the amount approved by the City Planning Commission.

   c. One (1) copy of the certified approved plans, profiles, cross sections and specifications.

7. When the final plat has been passed upon by the City Planning Commission, twelve (12) copies of the final plat and performance bond shall forthwith be transmitted to the Board of Aldermen, together with a certificate showing the action of the City Planning Commission.

8. When the final plat has been approved by the Board of Aldermen, the performance bond accepted and all twelve (12) copies duly certified, six (6) copies shall be delivered to the City Planning Commission; one (1) copy to the City Engineer and one (1) copy to the City Clerk for their respective files, and one (1) to the subdivider for filing with the Recorder of Deeds for Clinton County. If said plat is disapproved by the Board of Aldermen, such disapproval shall point out in writing wherein said proposed plat is objectionable.

9. The passage of the resolution accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the owner shall cause such plat to be recorded in the office of the Recorder of Deeds of Clinton County, Missouri, and shall file satisfactory evidence of such recording in the office of the City Clerk before the City shall recognize the plat as being in full force and effect.

10. Upon receipt of the duly certified copies of the final plat by the City Planning Commission, the Secretary of the City Planning Commission will transmit copies of the plat, upon which have been placed the official house numbers as determined by the City Engineer, to the subdivider, the water company, the gas company and the telephone company.

11. Receipt of the duly certified final plat by the subdivider is authorization that he/she may proceed with the installation and construction of the required improvements.

12. The Board of Aldermen will return the performance bond to the subdivider upon certification by the City Planning Commission of satisfactory completion of the installation and construction of the required improvements and acceptance of the required improvements by the Board of Aldermen. Prior to the certification by the City Planning Commission, the subdivider shall file with the City Planning Commission plans, profiles and cross sections of the required improvements as they have been built.

ARTICLE II
General Subdivision Requirements

Section 405.040. Acreage Subdivisions.

[Ord. No. 526 Art. 3 §1, 6-2-1965]

Whenever the area is divided into lots containing one (1) or more acres and there are indications that such lots will eventually be resubdivided into smaller building lots, consideration must be given to the highway, street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots. Easements providing for the future opening and extension of such streets, may, at the discretion of the Board of Aldermen be made a requirement of the plat.

Section 405.050. Relation to Existing Streets.

[Ord. No. 526 Art. 3 §2, 6-2-1965]

The arrangement of highways and streets in new subdivisions shall make provisions for the continuation of the existing highways and major streets (or their proper projection where adjoining property is not subdivided) insofar as they may be deemed necessary by the Board of Aldermen for public requirements. The width of such highways and streets in new subdivisions shall not be less than the minimum street widths established herein. The highway and street arrangements should also be such as to avoid hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.

Section 405.060. Streets in Relation to Railroads.

[Ord. No. 526 Art. 3 §3, 6-2-1965]

When the area to be subdivided adjoins a railroad right-of-way, the intersection of the centerline of any street or highway paralleling the railroad with that of any street that crosses the railroad shall not be less than one hundred fifty (150) feet from the line of the railroad right-of-way.

Section 405.070. Minimum Street and Alley Widths.

[Ord. No. 526 Art. 3 §4, 6-2-1965]

A. The widths and locations of major thoroughfares shall conform to the widths and locations designated on the Major Thoroughfare Plan for Lathrop.

B. The minimum width of a minor street shall be fifty (50) feet. Where streets adjoin unsubdivided property a half street at least twenty-five (25) feet in width shall be dedicated and whenever subdivided property adjoins a half street the remainder of the street shall be dedicated. No homes shall be constructed on half streets.

C. Alleys need not be provided in a residential block. Alleys may be required in the rear of all business and industrial lots and shall be at least thirty (30) feet wide. If alleys are provided in a residential block, they shall be at least twenty (20) feet wide.

Section 405.080. Minimum Roadway Width.

[Ord. No. 526 Art. 3 §5, 6-2-1965]

A. The minimum roadway widths for streets shall be thirty (30) feet, except that streets serving lots of one (1) acre or larger may, with approval of the Commission, be constructed with a minimum roadway width of twenty (20) feet.

B. The minimum roadway width for alleys shall be fifteen (15) feet.

Section 405.090. Cul-De-Sac and Dead-End Streets.

[Ord. No. 526 Art. 3 §6, 6-2-1965]

A. Except in cases where unusual topographic conditions may make it advisable to modify these provisions, the following shall apply to cul-de-sacs and dead-end streets:

1. Maximum length of five hundred (500) feet.

2. Vehicular turnaround at the closed end of a street having a minimum outside radius of thirty (30) feet and a roadway having a minimum radius of forty (40) feet to the interior curb line.

3. In the case of temporarily dead-end street, which are stub streets designed to provide future connection with unsubdivided areas adjoining, the City Planning Commission may require a temporary easement for a turnaround of the nature

indicated above, or an appropriate area for a background, or a roadway at least twenty-six (26) feet in width of not excessive length to connect the temporary dead-end with an existing street.

Section 405.100. Street Grades.

[Ord. No. 526 Art. 3 §7, 6-2-1965]

A. Streets shall be so arranged that grades shall not exceed ten percent (10%) for major thoroughfares and fifteen percent (15%) for minor streets. The City Planning Commission may permit variation from these grades where it deems modification advisable to adjust to topographic situations.

B. Gutter grades on paved gutters shall not be less than one-half (½) of one percent (1%).

C. All changes in street grades shall be connected by a vertical curve of reasonable length to assure adequate visibility.

D. In approaching intersections, there should be a suitable leveling of the street at a grade generally not exceeding five percent (5%) and for a distance of generally not less than one hundred (100) feet from the nearest line of the intersecting street. The grade within the intersection should be as level as possible, permitting proper drainage.

Section 405.110. Intersections.

[Ord. No. 526 Art. 3 §8, 6-2-1965]

A. Street intersections shall be rounded by radii of at least twenty (20) feet.

B. Streets should be laid out to intersect at right angles, and may be curved approaching the intersection in order to bring this about; no street shall intersect any other street at an angle of less than sixty (60) degrees.

C. The design of the intersection should be such that a clear sight distance will be maintained for seventy-five (75) feet at the roadway centerline with no obstruction to sight within the triangle formed by these points.

Section 405.120. Street Names.

[Ord. No. 526 Art. 3 §9, 6-2-1965; Ord. No. 1021 §1, 6-12-2001]

Streets that are obviously in alignment with others already existing and named shall bear the name of the existing streets. The proposed names of new streets shall be shown on the final plat and such names shall not duplicate or sound similar to existing street names. The City Planning Commission shall determine street names.

Section 405.130. Blocks.

[Ord. No. 526 Art. 3 §10, 6-2-1965]

A. No block shall be longer than one thousand two hundred (1200) feet between street lines. An easement near the center of the block not less than ten (10) feet wide for a cross walk may be required on blocks that are over seven hundred fifty (750) feet in length.

B. The width of blocks, except for special reasons, shall not be less than two hundred (200) feet and not more than three hundred fifty (350) feet.

Section 405.140. Lots.

[Ord. No. 526 Art. 3 §11, 6-2-1965]

A. The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development.

B. The width and area of all lots shall comply with the requirements of the zoning district in which they are located. Unless otherwise determined by zoning regulations, no residential lot shall be less than sixty (60) feet in width at the building line, or less than one hundred (100) feet in depth, or less than six thousand (6,000) square feet in area.

C. The foregoing requirements apply only to residential lots served by public sanitary sewers. In the case of lots not so served, such lots shall be of sufficient additional area to properly accommodate a suitable private sewage disposal device. The City Planning Commission will determine the required lot size upon report of appropriate tests and adequate determination and recommendation of the County Health Officer or State Board of Health.

D. Corner lots shall have extra width sufficient to permit the establishment of front building lines on both adjoining streets.

E. In all lots so far as possible, the side lines shall be at right angles to straight street lines or radial to curved street lines except where a variation of this rule will provide a better street and lot layout.

F. Double frontage and reverse frontage lots shall be avoided except where their use will produce definite advantages in meeting special situations in relation to topography, sound site planning and proper land use.

Section 405.150. Building Lines.

[Ord. No. 526 Art. 3 §12, 6-2-1965]

Building lines conforming with zoning regulations shall be shown on all lots within the platted area. The minimum building line permitted for residential lots shall be twenty-five (25) feet. Provisions shall be made by the owner's declaration of plat, requiring all enclosed parts of buildings to be set back to such building lines.

Section 405.160. Exceptions in Neighborhood or Community Unit Developments.

[Ord. No. 526 Art. 3 §13, 6-2-1965]

Whenever a subdivision is developed as a modern neighborhood or community unit, wherein adequate park area is provided and through traffic is adequately cared for and the majority of the minor streets are of the cul-de-sac type, the Commission may vary the requirements of Sections 405.070, 405.080, 405.090, 405.130, 405.140, 405.150 of this Article in order to allow the subdivider more freedom in the arrangements of the streets and lots, but at the same time protect the convenience, health and safety of the probable future residents of the subdivision as well as the general welfare of the surrounding area.

Section 405.170. Character of Development.

[Ord. No. 526 Art. 3 §14, 6-2-1965]

The City Planning Commission and Board of Aldermen may require that certain minimum regulations regarding type and character of development be incorporated in the owner's declaration of plat. Such regulations shall be intended to protect the character and development of the platted subdivision, as well as that of the surrounding development.

Section 405.180. Easements for Public Utilities.

[Ord. No. 526 Art. 3 §15, 6-2-1965]

Where alleys are not provided in the plat, easements of not less than five (5) feet in width shall be granted to the City by the owner of each side of all rear lot lines and where necessary side lot lines for public utility requirements. Easements of greater width may be required along lot lines or across lots when necessary for the extensions of main sewers or other utilities. No buildings or structures will be permitted on easements without authorization of the Board of Aldermen.

Section 405.190. Easements Along Streams and Watercourses.

[Ord. No. 526 Art. 3 §16, 6-2-1965]

Wherever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at his/her own expense, make adequate provisions for the proper drainage of surface water and shall also provide and dedicate to the City of Lathrop an easement along said streams and watercourses meeting the approval of the City Planning Commission.

Section 405.193. Street Lights.

[Ord. No. 1029 §1, 11-20-2001]

The developer shall be responsible for the installation of street lights. Lights shall be installed at each street intersection no closer than two (2) feet from the curb and no more than seven (7) feet. The developer shall also be responsible for the installation of additional street lights every four hundred (400) feet staggering each street light from side to side with variations allowed to accommodate the availability of power supplied to the subdivision.

Section 405.196. Street Signs.

[Ord. No. 1029 §1, 11-20-2001]

The developer shall be responsible for the installation of street signs. Signs shall be of the type and size used elsewhere in the City unless otherwise approved. The location of the street signs shall be indicated on the street plans.

Section 405.200. Monuments.

[Ord. No. 526 Art. 3 §17, 6-2-1965]

Monuments shall be placed at block corners, point of curbs, change in direction along lot lines and at each lot corner in accordance with specifications of the City Planning Commission.

Section 405.210. Open Spaces Other Than Streets.

[Ord. No. 526 Art. 3 §18, 6-2-1965]

Where an area being subdivided includes lands proposed to be used for parks or schools under the duly adopted Comprehensive Plan of the City, the subdivider shall indicate the location of such areas on the subdivision plat. Park sites are to be purchased within one (1) year of the recording date of the subdivision by the City at the appraised raw land value prior to subdivision plus one-half (½) of the cost of grading and paving, including curbs of the portion of any streets that are contiguous to the site. School sites are to be reserved for two (2) years giving the appropriate school district the right to purchase the land at the appraised raw land value prior to subdivision plus one-half (½) the cost of grading and paving, including curbs, of any streets contiguous to the site. Should the park or school sites not be purchased within the time limit specified above, the subdivider may then sell them for an alternate purpose as shown on the approved subdivision plat.

ARTICLE III
Improvements

Section 405.220. Improvements — Generally.

[Ord. No. 526 Art. 4, 6-2-1965]

The subdivider shall install and construct all improvements required by this Article. All required improvements shall be installed and constructed in accordance with the specifications and under the supervision of the Board of Aldermen and to its satisfaction.

Section 405.230. Streets and Alleys.

[Ord. No. 526 Art. 4 §1, 6-2-1965]

All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the Board of Aldermen and after receiving the report and recommendation of the City Planning Commission.

Section 405.240. Roadways.

[Ord. No. 643 §2, 9-6-1972]

A. All streets built on land to be subdivided shall be constructed as follows: All subdivision streets shall have a concrete curb and gutter, eighteen (18) inches in width, with an outside height of twelve (12) inches and an inside height of six (6) inches or more, with a minimum street width of twenty-seven (27) feet from outside of curb to outside of curb.

B. Minimum street surfacing shall consist of six (6) inches of rolled stone base with a minimum of two (2) inches of hot asphaltic concrete. Where concrete paving is used, the same specifications shall apply except that surfacing shall consist of a minimum of two (2) inches of crushed stone with a minimum of six (6) inches of six sack concrete mix, having a minimum of two (2) inch slum and a maximum of five (5) inch slump test concrete shall be used for cover. Reinforcing shall be #4 steel rebar on two (2) foot centers, both ways, or 6/6-10/10 welded wire mesh.

C. Minimum center crown of such street shall be one and one-half (1½) inches and a maximum crown shall be three and one-half (3½) inches, with minimum street gradients to be one-half of one percent (.5%) and maximum street gradients shall be twelve percent (12%).

D. Suitable catch basins and adequate drainage shall be provided to insure normal runoff of water.

Section 405.250. Sidewalks.

[Ord. No. 526 Art. 4 §3, 6-2-1965]

Sidewalks, when installed, shall be with a minimum width of four (4) feet and a minimum thickness of four (4) inches of Portland cement concrete; provided, however, that where the property is platted in lots having an area of at least thirty thousand (30,000) square feet and a width of at least one hundred (100) feet the Board of Aldermen may waive these requirements. The sidewalks shall be constructed to the grade approved by the Board of Aldermen after receiving the report and recommendation of the City Planning Commission.

Section 405.260. Water Lines.

[Ord. No. 526 Art. 4 §4, 6-2-1965]

A. Where a public sanitary sewer is within three hundred (300) feet of the proposed subdivision, the subdivider shall connect or provide for the connection with such sanitary sewer; and shall provide within the subdivision the sanitary sewer system required to make the sewer accessible to each lot in the subdivision. Sewer systems shall be approved by the Board of Aldermen and Board of Health of the State of Missouri and the construction subject to the supervision of the City Planning Commission.

B. Where sanitary sewers are not available other facilities, as approved by the Board of Aldermen and the Board of Health of the State of Missouri, must be provided for the adequate disposal of sanitary wastes.

C. Adequate provisions shall be made for the disposal of stormwater subject to the approval of the Board of Aldermen and to the supervision of the City Planning Commission.

ARTICLE IV
Preliminary Plan

Section 405.270. Preliminary Plan Requirements.

[Ord. No. 526 Art 5 §§1 — 2, 6-2-1965]

A. The preliminary plan shall be clearly and legibly drawn to a scale of one (1) inch to one hundred (100) feet or less and shall be plainly marked "Preliminary Plan".

B. The plan shall show:

1. The proposed name of the subdivision and, if different, the title under which the subdivision is to be recorded.

2. The name and address of the owner and the name, address and profession of the person preparing the plan.

3. The date, scale and northpoint and a key map showing the general location of the proposed subdivision in relation to surrounding development.

4. The legal description of the area being platted, including the block, section, United States survey, or part thereof.

5. The boundary line (accurate in scale), the dimension and location of the property to be platted and the location of section lines, quarter section lines, or United States survey lines.

6. Contours with intervals of not less than five (5) feet.

7. The names and locations of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land.

8. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plan.

9. The zoning classification and proposed use for the area being platted.

10. The layout, numbers and approximate dimensions of proposed lots.

11. The layout of all existing and proposed building lines and easements.

12. The location, width and dimensions of all streets, alleys and grounds proposed to be dedicate for public use.

13. Proposed names for all streets in the area being platted.

14. Written and signed statements explaining how and when the subdivider proposes to provide and install all required sewers or other disposal of sanitary wastes, pavement, sidewalks and drainage structures.

15. Written and signed statements of the appropriate officials of the availability of gas, electricity and water to the proposed subdivision.

16. Any restrictions proposed to be included in the owner's declaration of plat.

ARTICLE V
Final Plat

Section 405.280. Final Plat Requirements.

[Ord. No. 526 Art. 6 §§1 — 2, 6-2-1965]

A. The final plat shall be clearly and legibly drawn to a scale of one (1) inch to one hundred (100) feet or less as approved by the City Planning Commission and in ink on tracing cloth.

B. The plat shall show:

1. The title under which the subdivision is to be recorded.

2. The name or names of the owners and subdividers.

3. The date, scale and northpoint, and a key map showing the general location of the proposed subdivision.

4. The legal description of the area being platted, including the block, section, United States Survey or part thereof.

5. Accurate distances and bearings of all boundary lines of the subdivision including all sections, quarter sections, U.S. Survey and Congressional township lines.

6. Center lines of all proposed and adjoining streets with their right-of-way widths and names.

7. Lines of all lots with a simple method of numbering to identify all lots and blocks.

8. All building lines and all easements provided for public service together with their dimensions and any limitations of the easements.

9. Any and all dimensions necessary for accurate location of the boundaries of the site to be developed and of all streets, lots, easements and dedicated areas. These dimensions shall be expressed in feet and decimals of a foot.

10. All radii, arcs, points of tangency, central angles and lengths of curves.

11. Certification by a registered land surveyor that the final plat as shown is a correct representation of the survey as made.

12. All survey monuments and benchmarks, together with their description.

13. Private restrictive covenants and their period of existence.

14. The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use, or is to be reserved by deed covenant for the common use of the property owners in the subdivision.

ARTICLE VI
Improvement Plans

Section 405.290. Plans, Profiles and Cross Sections.

[Ord. No. 526 Art. 7 §1, 6-2-1965]

A. The subdivider shall submit to the City Planning Commission the following plans, profiles and cross sections, drawn to a horizontal scale of one (1) inch to one hundred (100) feet or less and a vertical scale of one (1) inch to twenty (20) feet or less, and specifications for the construction of the improvements for the subdivision as required in this Chapter. All elevations shall be referred to mean sea level.

1. The plan and profile of each street with tentative grades and street intersection elevations.

2. The cross sections of proposed streets showing the width of roadways, present and proposed grade lines, and location and size of utility mains. The cross sections shall be taken and platted at intervals of not more than one hundred (100) feet along the centerline, unless otherwise required by the City Planning Commission, and shall extend out to the sides to that point where the proposed grade intersects the existing grade. In no case shall these cross sections be extended less than the full width of the right-of-way.

3. The plan and profile of proposed sanitary sewers and stormwater sewers with grades and pipe sizes indicated, and a plan of the proposed water distribution system showing pipe sizes and location of valves and fire hydrants.

4. Specifications for the required improvements. Standard specifications approved by the City Planning Commission may be used.

ARTICLE VII
Exceptions

Section 405.300. Modification of Requirements.

[Ord. No. 526 Art. 8 §1, 6-2-1965]

A. Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this Chapter would result in extraordinary hardship to the subdivider because of unusual topography or other such non-self-inflicted conditions, or that these conditions would result in inhibiting the achievement of the objectives of this Chapter, the City Planning Commission may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured;

provided, that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of this Chapter or interfering with carrying out the Comprehensive Plan of the City of Lathrop. In no case shall any variation or modification be more than a minimum easing of the requirements and, in no instance shall it have the effect of reducing the traffic capacity of any street below that shown on the Comprehensive Plan or be in conflict with any zoning ordinance, resolution or map.

B. Such variances and waivers may be granted only by the affirmative vote of three-fourths (¾) of the members of the City Planning Commission.

C. In granting variances and modifications, the City Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

ARTICLE VIII
Changes and Amendments

Section 405.310. Changes and Amendments.

[Ord. No. 526 Art. 9 §1, 6-2-1965]

Any regulations or provisions of this Chapter may be changed and amended from time to time by the Board of Aldermen; provided, however, that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been given in a newspaper of general circulation in the City of Lathrop at least fifteen (15) days prior to such hearing.

Chapter 410

FLOODPLAIN MANAGEMENT

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ARTICLE VIII
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Section 410.280. Definitions.

Editor's Note — Ord. no. 1216, adopted April 6, 2011, repealed ch. 410 "flood hazard prevention" and enacted new provisions set out herein. Former ch. 410 derived from ord. no. 919 §1, 4-8-97; ord. no. 928 §1, 1-13-98; ord. no. 936 §1, 5-12-98.

ARTICLE I
Statutory Authorization, Findings of Fact, and Purposes

Section 410.010. Statutory Authorization.

[Ord. No. 1216, 4-6-2011]

The legislature of the State of Missouri has in Section 79.110, RSMo., delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the Board of Aldermen of the City of Lathrop, Missouri ordains as follows.

Section 410.020. Findings of Fact.

[Ord. No. 1216, 4-6-2011]

A. *Flood Losses Resulting From Periodic Inundation.* The special flood hazard areas of the City of Lathrop, Missouri are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

B. *General Causes Of The Flood Losses.* These flood losses are caused by:

1. The cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and

2. The occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

Section 410.030. Statement of Purpose.

[Ord. No. 1216, 4-6-2011]

A. It is the purpose of this Chapter to promote the public health, safety, and general welfare; to minimize those losses described in Article I, Section 410.020(B); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(b) by applying the provisions of this Chapter to:

1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;

2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and

3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

ARTICLE II
General Provisions

Section 410.040. Lands to Which Chapter Applies.

[Ord. No. 1216, 4-6-2011]

This Chapter shall apply to all lands within the jurisdiction of the City of Lathrop, Missouri identified as unnumbered A Zones on the Flood Insurance Rate Map (FIRM) Clinton County maps dated April 4, 2011 on map panel 29049C0225D, as amended, and any future revisions thereto. In all areas covered by this Chapter, no development shall be permitted except through the issuance of a floodplain development permit granted by the Board of Aldermen or its duly designated representative under such safeguards and restrictions as the Board of Aldermen or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article IV.

Section 410.050. Floodplain Administrator.

[Ord. No. 1216, 4-6-2011]

The City Administrator is hereby designated as the Floodplain Administrator under this Chapter.

Section 410.060. Compliance.

[Ord. No. 1216, 4-6-2011]

No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this Chapter and other applicable regulations.

Section 410.070. Abrogation and Greater Restrictions.

[Ord. No. 1216, 4-6-2011]

It is not intended by this Chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail. All other ordinances inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only.

Section 410.080. Interpretation.

[Ord. No. 1216, 4-6-2011]

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, shall be liberally construed in favor of the Governing Body, and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

Section 410.090. Warning and Disclaimer of Liability.

[Ord. No. 1216, 4-6-2011]

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside unnumbered A Zones or land uses permitted within such areas will be free from flooding or flood damage. This Chapter shall not create a liability on the part of the City of Lathrop, any officer or employee thereof for any flood damages that may result from reliance on this Chapter or any administrative decision lawfully made thereunder.

Section 410.100. Severability.

[Ord. No. 1216, 4-6-2011]

If any Section, clause, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this Chapter shall not be affected thereby.

ARTICLE III
Administration

Section 410.110. Floodplain Development Permit.

[Ord. No. 1216, 4-6-2011]

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Article II, Section 410.040. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

Section 410.120. Designation of Floodplain Administrator.

[Ord. No. 1216, 4-6-2011]

The City Administrator is hereby appointed to administer and implement the provisions of this Chapter.

Section 410.130. Duties and Responsibilities of Floodplain Administrator.

[Ord. No. 1216, 4-6-2011]

A. Duties of the Floodplain Administrator shall include, but not be limited to:

1. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this Chapter have been satisfied;

2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;

3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;

4. Issue floodplain development permits for all approved applications;

5. Notify adjacent communities and the Missouri State Emergency Management Agency (MO SEMA) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);

6. Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse.

7. Where base flood elevation from other sources is utilized within unnumbered A Zones:

   a. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;

   b. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;

   c. When floodproofing techniques are utilized for a particular non-residential structure, the City Administrator shall require certification from a registered professional engineer or architect.

Section 410.140. Application for Floodplain Development Permit.

[Ord. No. 1216, 4-6-2011]

A. To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed building or work;

2. Identify and describe the work to be covered by the floodplain development permit;

3. Indicate the use or occupancy for which the proposed work is intended;

4. Indicate the assessed value of the structure and the fair market value of the improvement;

5. Identify the existing base flood elevation and the elevation of the proposed development;

6. Give such other information as reasonably may be required by the City Administrator;

7. Be accompanied by plans and specifications for proposed construction; and

8. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

ARTICLE IV
Provisions for Flood Hazard Reduction

Section 410.150. General Standards.

[Ord. No. 1216, 4-6-2011]

A. No permit for floodplain development shall be granted for new construction, substantial improvements, and other improvements, including the placement of manufactured homes, within any unnumbered A Zone unless the conditions of this Section are satisfied.

B. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A Zones is subject to all provisions of this Chapter. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.

C. All new construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes, and other developments shall require:

1. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. Construction with materials resistant to flood damage;

3. Utilization of methods and practices that minimize flood damages;

4. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

5. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and

6. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:

   a. All such proposals are consistent with the need to minimize flood damage;

   b. All public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damage;

   c. Adequate drainage is provided to reduce exposure to flood hazards; and

   d. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

D. *Agricultural Structures.* Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this Chapter; and a floodplain development permit has been issued.

E. *Storage, Material, And Equipment*

1. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

2. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

F. *Accessory Structures.* Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than four hundred (400) square feet may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this Chapter; and a floodplain development permit has been issued.

Section 410.160. Specific Standards.

[Ord. No. 1216, 4-6-2011]

A. In all areas of special flood hazard, once base flood elevation data is obtained, as set forth in Article IV, Section 410.150(B), the following provisions are required:

1. *Residential construction.* New construction or substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above base flood level.

2. *Non-residential construction.* New construction or substantial improvement of any commercial, industrial, or other non-residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above the base flood level or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is water-tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article III, Section 410.130(G).

3. Require, for all new construction and substantial improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

   a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided, and said openings shall not be on the same side of such enclosed area; and

   b. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. In all areas of special flood hazard, once floodway data is obtained, as set forth in Article IV, Section 410.150(B), the following provisions are required:

1. The designated floodway shall be based on the standard that the area chosen for the floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation more than one (1) foot at any point; and

2. The community shall prohibit any encroachments, including fill, new construction, substantial improvements, and other development, within the designated regulatory floodway unless it has been demonstrated through hydrologic and hydraulic

analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

Section 410.170. Manufactured Homes.

[Ord. No. 1216, 4-6-2011]

A. All manufactured homes to be placed within special flood hazard areas shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

B. Require manufactured homes that are placed or substantially improved within unnumbered A Zones on the community's FIRM on sites:

1. Outside of manufactured home park or subdivision;

2. In a new manufactured home park or subdivision;

3. In an expansion to an existing manufactured home park or subdivision; or

4. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood,

be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one (1) foot above the base flood level and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

C. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within unnumbered A Zones on the community's FIRM, that are not subject to the provisions of Article IV, Section 410.170(B) of this Chapter, be elevated so that either:

1. The lowest floor of the manufactured home is at one (1) foot above the base flood level; or

2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

Section 410.180. Recreational Vehicles.

[Ord. No. 1216, 4-6-2011]

A. Require that recreational vehicles placed on sites within unnumbered A Zones on the community's FHBM or FIRM either:

1. Be on the site for fewer than one hundred eighty (180) consecutive days; or

2. Be fully licensed and ready for highway use; or

3. Meet the permitting, elevation, and the anchoring requirements for manufactured homes of this Chapter.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

ARTICLE V
Floodplain Management Variance Procedures

Section 410.190. Establishment of Appeal Board.

[Ord. No. 1216, 4-6-2011]

The Board of Adjustment as established by the City of Lathrop shall hear and decide appeals and requests for variances from the floodplain management requirements of this Chapter.

Section 410.200. Responsibility of Appeal Board.

[Ord. No. 1216, 4-6-2011]

A. Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the City Administrator, the applicant may apply for such floodplain development permit or variance directly to the Appeal Board as defined in Article V, Section 410.190.

B. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Administrator in the enforcement or administration of this Chapter.

Section 410.210. Further Appeals.

[Ord. No. 1216, 4-6-2011]

Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Clinton County Circuit Court as provided in Section 89.110, RSMo.

Section 410.220. Floodplain Management Variance Criteria.

[Ord. No. 1216, 4-6-2011]

A. In passing upon such applications for variances, the Board of Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other Sections of this Chapter, and the following criteria:

1. The danger to life and property due to flood damage;

2. The danger that materials may be swept onto other lands to the injury of others;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations, not subject to flood damage, for the proposed use;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

Section 410.230. Conditions for Approving Floodplain Management Variances.

[Ord. No. 1216, 4-6-2011]

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Subsections (B) through (F) below have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.

C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant: and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

F. A community shall notify the applicant in writing over the signature of a community official that:

1. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage; and

2. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.

Section 410.240. Conditions for Approving Variances for Agricultural Structures.

[Ord. No. 1216, 4-6-2011]

A. Any variance granted for an agricultural structure shall be decided individually based on a case-by- case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Article V, Sections 410.220 and 410.230 of this Chapter.

B. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.

1. All agricultural structures considered for a variance from the floodplain management regulations of this Chapter shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farmhouses, cannot be considered agricultural structures.

2. Use of the varied structures must be limited to agricultural purposes in Zone A only as identified on the community's Flood Insurance Rate Map (FIRM).

3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation must be built with flood-resistant materials in accordance with Article IV, Section 410.150(C)(2) of this Chapter.

4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Article IV, Section 410.150(C)(1) of this Chapter. All the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a water-tight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article IV, Section 410.150(C)(4) of this Chapter.

6. The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Article IV, Section 410.160(A)(3) of this Chapter.

7. The agricultural structures must comply with the floodplain management floodway encroachment provisions of Article IV, Section 410.160(B)(2) of this Chapter. No variances may be issued for agricultural structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.

8. Major equipment, machinery, or other contents must be protected from any flood damage.

9. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.

10. A community shall notify the applicant in writing over the signature of a community official that:

    a. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage; and

    b. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.

11. Wet-floodproofing construction techniques must be reviewed and approved by the community and a registered professional engineer or architect before the issuance of any floodplain development permit for construction.

Section 410.250. Conditions for Approving Variances for Accessory Structures.

[Ord. No. 1216, 4-6-2011]

A. Any variance granted for an accessory structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Article V, Sections 410.220 and 410.230 of this Chapter.

B. To minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.

1. Use of the accessory structures must be solely for parking and limited storage purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).

2. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation must be built with flood-resistant materials in accordance with Article IV, Section 410.150(C)(2) of this Chapter.

3. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with Article IV, Section 410.150(C)(1) of this Chapter. All the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

4. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a water-tight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article IV, Section 410.150(C)(4) of this Chapter.

5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Article IV, Section 410.160(A)(3) of this Chapter.

6. The accessory structures must comply with the floodplain management floodway encroachment provisions of Article IV, Section 410.160(B)(2) of this Chapter. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.

7. Equipment, machinery, or other contents must be protected from any flood damage.

8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.

9. A community shall notify the applicant in writing over the signature of a community official that:

   a. The issuance of a variance to construct a structure below base flood level will result in increased premium, rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage; and

   b. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.

10. Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect before the issuance of any floodplain development permit for construction.

ARTICLE VI
Penalties for Violation

Section 410.260. Penalties.

[Ord. No. 1216, 4-6-2011]

A. Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars ($500.00), and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

B. Nothing herein contained shall prevent the City of Lathrop or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE VII
Amendments

Section 410.270. Amendments.

[Ord. No. 1216, 4-6-2011]

The regulations, restrictions, and boundaries set forth in this Chapter may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided however, that no such action may

be taken until after a public hearing relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Lathrop. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this Chapter are in compliance with the National Flood Insurance Program (NFIP) regulations.

ARTICLE VIII
Definitions

Section 410.280. Definitions.

[Ord. No. 1216, 4-6-2011]

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the same meaning they have in common usage and to give this Chapter its most reasonable application.

100-YEAR FLOOD — See *"BASE FLOOD"*.

ACCESSORY STRUCTURE — The same as *"APPURTENANT STRUCTURE"*.

ACTUARIAL RATES — See *"RISK PREMIUM RATES"*.

ADMINISTRATOR — The Federal Insurance Administrator.

AGENCY — The Federal Emergency Management Agency (FEMA).

AGRICULTURAL COMMODITIES — Agricultural products and livestock.

AGRICULTURAL STRUCTURE — Any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

APPEAL — A request for review of the Floodplain Administrator's interpretation of any provision of this Chapter or a request for a variance.

APPURTENANT STRUCTURE — A structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

BASE FLOOD — The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASEMENT — Any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING — See *"STRUCTURE"*.

CHIEF EXECUTIVE OFFICER OR CHIEF ELECTED OFFICIAL — The official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

COMMUNITY — Any State or area or political subdivision thereof which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

ELEVATED BUILDING — For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ELIGIBLE COMMUNITY OR PARTICIPATING COMMUNITY — A community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

EXISTING CONSTRUCTION — For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1,1975, for FIRMs effective before that date. *"Existing construction"* may also be referred to as *"existing structures"*.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM) — An official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A Zones.

FLOOD INSURANCE RATE MAP (FIRM) — An official map of a community on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOODPLAIN OR FLOOD-PRONE AREA — Any land area susceptible to being inundated by water from any source (see *"FLOODING"*).

FLOODPLAIN MANAGEMENT — The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such State or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING — Any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

FUNCTIONALLY DEPENDENT USE — A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

HISTORIC STRUCTURE — Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a State Inventory of Historic Places in States with historic preservation programs which have been approved by the Secretary of the Interior; or

4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

    a. By an approved State program as determined by the Secretary of the Interior; or

    b. Directly by the Secretary of the Interior in States without approved programs.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other that a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this Chapter.

MANUFACTURED HOME — A structure, transportable in one (1) or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term *"manufactured home"* does not include a *"recreational vehicle"*.

MANUFACTURED HOME PARK OR SUBDIVISION — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MAP — The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

MARKET VALUE OR FAIR MARKET VALUE — An estimate of what is fair, economic, just and equitable value under normal local market conditions.

MEAN SEA LEVEL — For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

NEW CONSTRUCTION — For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *"new construction"* means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

NFIP — The National Flood Insurance Program (NFIP).

PARTICIPATING COMMUNITY — Also known as an "eligible community", means a community in which the Administrator has authorized the sale of flood insurance.

PERSON — Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

PRINCIPALLY ABOVE GROUND — At least fifty-one percent (51%) of the actual cash value of the structure, less land value, is above ground.

RECREATIONAL VEHICLE — A vehicle which is:

1. Built on a single chassis;

2. Four hundred (400) square feet or less when measured at the largest horizontal projections;

3. Designed to be self-propelled or permanently towable by a light-duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REMEDY A VIOLATION — To bring the structure or other development into compliance with Federal, State, or local floodplain management regulations or, if this is not possible, to reduce the impacts of its non-compliance.

REPETITIVE LOSS — Flood-related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

RISK PREMIUM RATES — Those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principle. *"Risk premium rates"* include provisions for operating costs and allowances.

SPECIAL FLOOD HAZARD AREA — See *"AREA OF SPECIAL FLOOD HAZARD"*.

SPECIAL HAZARD AREA — An area having special flood hazards and shown on an FHBM or FIRM as Zones (unnumbered or numbered) A, AO, AE, or AH.

START OF CONSTRUCTION — Includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within one hundred eighty (180) days of the permit date. The *"actual start"* means either the first (1st) placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the *"actual start of construction"* means the first (1st) alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STATE COORDINATING AGENCY — That agency of the State Government or other office designated by the Governor of the State or by State Statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that State.

STRUCTURE — For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *"Structure"* for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. The term includes Repetitive Loss buildings (see definition).

For the purposes of this definition, *"repair"* is considered to occur when the first (1st) repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

The term does not apply to:

1. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions; or

2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or

3. Any improvement to a building.

SUBSTANTIAL IMPROVEMENT — Any combination of reconstruction, alteration, or improvement to a building, taking place during the life of the building, in which the cumulative percentage of improvement equals or exceeds fifty percent (50%) of the current market value of the building. For the purposes of this definition, an improvement occurs when the first (1st) alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work done.

The term does not apply to:

1. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions; or

2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or

3. Any building that has been damaged from any source or is categorized as repetitive loss.

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS — Is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of streets, utilities and pads before the repair, reconstruction or improvement commenced.

VARIANCE — A grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

VIOLATION — The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required

by this Chapter is presumed to be in violation until such time as that documentation is provided.

Chapter 500

GENERAL BUILDING REGULATIONS

ARTICLE I
Building Code

Section 500.010. Various Building Code Adoptions.

ARTICLE II
(Reserved)

Section 500.020. (Reserved)

ARTICLE III
(Reserved)

Section 500.030. (Reserved)

ARTICLE IV
Building and Construction Permit Fees

Section 500.040. Fees.

ARTICLE I
Building Code

Section 500.010. Various Building Code Adoptions.

[Ord. No. 1050, 9-17-2002; Ord. No. 1125 §§1 — 3, 8-15-2006; Ord. No. 1247 §1, 7-16-2013]

A. The City of Lathrop hereby adopts by reference the following building codes — including all appendices, Chapters, Tables, illustrations, and references — as herein contained and described as the official building codes of the City of Lathrop: the 2012 Edition of the International Building Code, volumns 1 and 2, Chapters 1 through 35; the 2012 Edition of the International Residential Code, volumes 1 and 2, Chapters 1 through Appendix Q; the 2012 Edition of the International Property Maintenance Code; the 2012 Edition of the International Plumbing Code; the 2012 Edition of the International Mechanical Code; the 2012 Edition of the International Existing Building Code; the 2012 Edition of the International Fire Code; the 2012 Edition of the International Energy Conservation Code; the 2012 Edition of the International Fuel Gas Code; the 2012 Edition of the International Green Construction Code; the 2012 Edition of the International Pool and Spa Code; and the 2011 Edition of the NFPA National Electrical Code. A copy of each of the foregoing volumes is in the files of the Building Inspector of the City of Lathrop, Missouri.

B. The following shall be included in the building code:

1. In addition to the 2012 Edition of the International Residential Code, the following shall be required on all one- and two-family dwellings as follows: "In accordance with Table 3-8 of the 1997 Uniform Building Code the occupancy separation between residents (R-3) and the garage (U-1) of one (1) hour;" which shall require the installation of five-eighths (⅝) inch Type X fire rock on the garage walls both interior and exterior and the ceiling of the garage.

2. Each dwelling unit of a multi-family structure shall have an individual sewer connection to the City sewer main.

3. Each dwelling unit of a multi-family structure shall have an individual water connection to the City water main.

C. Notwithstanding the foregoing, Section R313.2 of the International Residential Code for one- and two-family dwellings relative to sprinkler systems shall be optional, and not mandatory. The builder must, however, offer to install the sprinkler system, and the owner's declination to install the system must be in writing.

D. If any Section, clause, phrase or portion of this Section is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Section.

E. Any person violating the terms of this Section and its incorporated code shall upon conviction thereof be punished by a fine not exceeding five hundred dollars ($500.00) or imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment, provided that each day such violation occurs after notice by the City shall constitute a separate offense.

ARTICLE II
(Reserved)

Section 500.020. (Reserved) [1]

ARTICLE III
(Reserved)

Section 500.030. (Reserved) [2]

ARTICLE IV
Building and Construction Permit Fees

Section 500.040. Fees.

[Ord. No. 911 §2, 8-20-1996; Ord. No. 1010 §1, 1-9-2001; Ord. No. 1051, 9-17-2002]

A. The City of Lathrop hereby adopts by reference the following procedure for the issuance of building permits:

1. The Building Inspector shall issue all building permits within the City limits of Lathrop, Missouri.

2. All building permits shall be issued only after the applicant therefor has submitted an application in writing on forms to be supplied by the City Clerk. The Building Inspector shall ensure that the application conforms to the requirements of the subdivision zoning and Building Codes of the City of Lathrop and the said building site has been properly platted in accordance with the City of Lathrop Zoning Regulations in Chapter 400 of the City Code and subsequently recorded in the office of the Clinton County Recorder of Deeds.

3. Water and sewer hookup fees are due and payable prior to the issuance of the building permit.

4. Before any building permit is issued, the applicant shall pay the following fees to defray the expenses of plan review, inspection, investigation, recording, materials and supplies required:

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1. **Editor's Note — Ord. no. 1050, adopted September 17, 2002, supersedes this section 500.020: Plumbing Code adoption. Provisions concerning the current building code adoptions are set out in section 500.010. This section has been left reserved for the city's future use.**

2. **Editor's Note — Ord. no. 1050, adopted September 17, 2002, supersedes this section 500.030: Cabo One- And Two-Family Dwelling adoption. Former section 500.030 derived from ord. no. 800 §§1 — 4, 11-11-86. Provisions concerning the current one- and two-family code adoptions are set out in section 500.010. This section has been left reserved for the city's future use.**

a. *Building permit for residential housing.*

(1) Single-family residential housing shall cost forty cents ($.40) for each square foot of total finished space excluding unfinished basements. Plumbing, electrical and mechanical are included in this fee.

(2) The minimum building permit fee shall be five hundred fifty dollars ($550.00).

(3) The first (1st) unit of multi-family residential units shall be charged at the same rate as single-family residential housing except each additional unit shall cost an additional one hundred dollars ($100.00) each. For example: a four-unit structure with nine hundred (900) square feet of finished space in one (1) unit would be five hundred fifty dollars ($550.00) minimum fee plus three hundred dollars ($300.00) or a total of eight hundred fifty dollars ($850.00).

b. *Demolition permit.* Thirty dollars ($30.00).

c. *Building permit for garages, metal buildings over two hundred (200) square feet, etc.* Two hundred dollars ($200.00).

d. *Building permits for commercial buildings.*

(1) Twenty cents ($.20) per square foot of total space.

(2) *Plumbing fee.* Thirty dollars ($30.00) up to and including ten (10) traps plus two dollars ($2.00) for each additional trap thereafter. Minimum fee is thirty dollars ($30.00).

(3) *Mechanical fee.*

(a) *Heating and A/C unit.* Thirty dollars ($30.00).

(b) *Individual heating unit.* Thirty dollars ($30.00) each unit.

(c) *Individual A/C unit.* Thirty dollars ($30.00) each unit.

(d) *Minimum fee.* Thirty dollars ($30.00).

(4) *Electrical fee.*

(a) *Two hundred (200) amp box.* Thirty dollars ($30.00) each box.

(b) *Four hundred (400) amp box.* Forty dollars ($40.00) each box.

(c) *Eight hundred (800) amp box.* Fifty dollars ($50.00) each box.

(d) *Over eight hundred (800) amp box.* Seventy dollars ($70.00) each box

(e) *Minimum fee.* Thirty dollars ($30.00).

e. *Miscellaneous permits (decks, pools, storage sheds (also portable), etc.).* Thirty dollars ($30.00).

f. *Residential and commercial addition permits.* The same costs per square foot as shown above apply for residential and commercial additions. (Building plans shall be reviewed to determine additional permit fee costs depending on the utilities required and complexity of the additional structure.)

B. All permits issued under this Code shall expire for the following reasons:

1. If the work authorized by the permit is not started within one hundred twenty (120) days from the date of permit issuance.

2. If the work is suspended for more than one hundred eighty (180) days from the date of permit issuance.

3. If the work is abandoned for more than one hundred eighty (180) days, the work shall be left in a condition of compliance with the City Code.

C. During the term of the building permit, the permit holder shall ensure that all adjacent streets and right-of-ways are kept clear of rubbish, dirt, mud, rock, concrete and other debris.

D. It shall be the responsibility of the of the permit holder to ensure that all work done other and in furtherance of said permit, including work done by others, shall comply with and not be in violation of the ordinances of the City. Any reinspection required following correction of any non-compliance with the Building Code shall be a cost of thirty-five dollars ($35.00) per reinspection. The occupancy permit will not be issued if any building fees are owed to the City of Lathrop, Missouri.

E. Unless the required improvements have been installed or guaranteed by a bond or other approved surety, no building permits shall be issued for that lot or tract. Further, no building permit shall be issued for any lot within a subdivision unless such lot has direct access to a street constructed in accordance with the construction specifications of the City.

F. Building permits will not be issued to a builder or owner who violates the City Code by not obtaining the required certificate of occupancy. A one hundred dollar ($100.00) reinspection fee shall be charged to the builder or owner of a structure which violates the City Code and requests an inspection after the structure is inhabited.

G. The Building inspection steps are as follows:

1. *Step 1.* Footer inspection.

2. *Step 2.* Foundation wall.

3. *Step 3.* Foundation drain, in-ground plumbing.

4. *Step 4.* Basement floor.

5. *Step 5.* Rough-in framing, wall plumbing, wall electrical, rough-in mechanical (heating and cooling).

6. *Step 6.* Driveway and sidewalk.

7. *Step 7.* Final, occupancy permit requirements.

The seven (7) inspection steps defined above are performed utilizing BOCA (Building Officials and Code Administrators) checklists for each step corresponding to the latest City of Lathrop adopted Building Codes. All inspections require a minimum of twenty-four (24) hours' notice. Notice shall be given to the Lathrop City Clerk or City Administrator to assure timely notification of the Building Inspector.

H. Any person violating any provision of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars ($500.00) or be imprisoned for a period not to exceed ninety (90) days, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. All work under such permit shall be stopped upon issuance of a stop work order.

Chapter 505

(RESERVED)

Editor's Note — Ord. no. 1050, adopted September 17, 2002, supersedes ch. 505, sections 505.010 — 505.060; electrical code provisions concerning the current electrical code adoption is set out in section 500.010. Former sections 505.010 — 505.060, derived from ord. no. 799 §§3 — 6, 8, 11-11-86. This chapter has been reserved for the City's future use.

Chapter 510

DANGEROUS BUILDINGS

Section 510.010. Purpose and Scope.

Section 510.020. Dangerous Buildings Defined.

Section 510.030. Dangerous Buildings Declared Nuisance.

Section 510.040. Standards for Repair, Vacation or Demolition.

Section 510.050. Building Inspector.

Section 510.060. Duties of Building Inspector — Procedure and Notice.

Section 510.070. Building Commissioner.

Section 510.080. Duties of the Building Commissioner.

Section 510.090. Insurance Proceeds — How Handled.

Section 510.100. Appeal.

Section 510.110. Emergencies.

Section 510.120. Violations — Disregarding Notices or Orders.

Section 510.010. Purpose and Scope.

It is the purpose of this Chapter to provide a just, equitable and practicable method for the repairing, vacation or demolition of buildings or structures that may endanger the life, limb, health, property, safety or welfare of the occupants of such buildings or the general public, and this Chapter shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in the City of Lathrop, Missouri.

Section 510.020. Dangerous Buildings Defined.

A. All buildings or structures that are detrimental to the health, safety or welfare of the residents of the City and that have any or all of the following defects shall be deemed *"dangerous buildings":*

1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.

2. Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting member or members, or fifty percent (50%) damage or deterioration of the non-supporting enclosing or outside walls or covering.

3. Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded or that have insufficient strength to be reasonably safe for the purpose used.

4. Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or the people of the City.

5. Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such building.

6. Those having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.

7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other adequate means of evacuation.

8. Those that have parts thereof that are so attached that they may fall and injure members of the public or property.

9. Those that because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this City.

Section 510.030. Dangerous Buildings Declared Nuisance.

All dangerous buildings or structures, as defined by Section 510.020 of this Chapter are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as provided herein.

Section 510.040. Standards for Repair, Vacation or Demolition.

A. The following standards shall be followed in substance by the Building Inspector and the Building Commissioner, in ordering repair, vacation or demolition of any dangerous building.

1. If the dangerous building can reasonably be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be ordered repaired.

2. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.

3. In all cases where a building cannot be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be demolished.

4. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this Chapter or any ordinance of this City or Statute of the State of Missouri, it shall be repaired or demolished.

Section 510.050. Building Inspector.

The Building Inspector shall be the Building Inspector(s) within the meaning of this Chapter.

Section 510.060. Duties of Building Inspector — Procedure and Notice.

A. The Building Inspector(s) shall have the duty under this Chapter to:

1. Inspect, or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such place to be a dangerous building when he/she has reasonable grounds to believe that any such building is dangerous.

2. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Chapter, and the Building Inspector determines that there are reasonable grounds to believe that such building is dangerous.

3. Inspect any building, wall or structure reported by the Fire or Police Departments of this City as probably existing in violation of this Chapter.

4. Notify the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the building or structure, as shown by the land records of the Recorder of Deeds of Clinton County, of any building or structure found by him/her to be a dangerous building or structure within the standards set forth in Section 510.020. Such notice shall be in writing and shall be given either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) consecutive weeks.

   The notice required shall state that:

   a. The owner must vacate, vacate and repair or vacate and demolish said building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this Chapter.

   b. The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession.

   c. The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Clinton County may, at his/her own risk, repair, vacate or demolish the building and clean up the property or have such work done;

   provided, that any person notified under this Subsection to repair, vacate or demolish any building or clean up the property, shall be given such reasonable time not exceeding thirty (30) days, to commence the required work.

5. The notice provided for in this Section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building, a statement indicating that as a dangerous building, said building or structure constitutes a nuisance and an order requiring the designated work to be commenced within the time provided for in the above Subsection.

6. Report in writing to the City Building Commissioner the non-compliance with any notice to vacate, repair, demolish, clean up the property or upon the failure to proceed continuously with the work without unnecessary delay.

7. Appear at all hearings conducted by the Building Commissioner and testify as to the condition of dangerous buildings.

8. Immediately report to the Building Commissioner concerning any building found by him/her to be inherently dangerous and that he/she determined to be a nuisance per se. The Building Commissioner may direct that such building be marked or posted with a written notice reading substantially as follows:

"This building has been found to be a dangerous building by the Building Inspector. This notice is to remain on this building and/or property until it is repaired, vacated or demolished and the property is cleaned up in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Clinton County. It is unlawful to remove this notice until such notice is complied with."

Provided however, that the order by the Building Commissioner and the posting of said notice, shall not be construed to deprive all persons entitled thereto by this Chapter to the notice and hearing prescribed herein.

Section 510.070. Building Commissioner.

The Mayor shall act as Building Commissioner under this Chapter.

Section 510.080. Duties of the Building Commissioner.

A. The Building Commissioner shall have the power pursuant to this Chapter to:

1. Supervise all inspections required by this Chapter, and cause the Building Inspector to make inspections and perform all the duties required of him/her by this Chapter. Upon receiving a complaint or report from any source, that a dangerous building exists in the City, the Building Commissioner shall cause an inspection to be made forthwith. If the Building Commissioner deems it necessary to the performance of his/her duties and responsibilities imposed herein, the Building Commissioner may request an inspection and report be made by any other City Department or retain services of an expert whenever the Building Commissioner deems such service necessary.

2. Upon receipt of a report from the Building Inspector indicating failure by the owner, lessee, occupant, mortgagee, agent or other persons(s) having interest in said building to commence work of reconditioning or demolition within the time specified by this Chapter or upon failure to proceed continuously with work without unnecessary delay, the Building Commissioner shall hold a hearing giving the affected parties full and adequate hearing on the matter.

   Written notice of said hearing shall be given, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of those modes of service then, by publication in a newspaper qualified to publish legal notices, at least ten (10) days in advance of the hearing date, to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Clinton County, to appear before the Building Commissioner on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice as provided herein.

   Any party may be represented by counsel and all parties shall have an opportunity to be heard.

3. Make written findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building within the terms of Section 510.020 of this Chapter.

4. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building, and a nuisance and detrimental to the health, safety or welfare of the residents of the City, the Building Commissioner shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other persons(s) having an interest in said building as shown by the land records of the Recorder of Deeds Clinton County to repair, vacate or demolish any building found to be a dangerous building and to clean up the property, provided that any person so notified, shall have the privilege of either repairing or vacating and repairing said building, if such repair will comply with the ordinances of this City or the owner or any person having an interest in said building as shown by the land records of the Recorder of Deeds of Clinton County, may vacate and demolish said dangerous building at his/her own risk to prevent the acquiring by the City of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building, or a nuisance or detrimental to the health, safety or welfare of the residents of the City, no order shall be issued.

5. If the Building Commissioner or other designated officer or officers issue an order whereby the building or structure is demolished, secured, or repaired, or the property is cleaned up, the cost of performance shall be certified to the City Clerk or Officer in charge of finance, who shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the City Collector or other official collecting taxes, unless the building or structure is demolished,

secured or repaired by a contractor pursuant to an order issued by the City and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in Sections 429.010 to 429.360, RSMo. Except as provided in Section 510.090, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be deemed a personal debt against the property owner and shall be a lien on the property until paid.

Section 510.090. Insurance Proceeds — How Handled.

A. As to damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, if there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, the following procedure is established for the payment of up to twenty-five percent (25%) of the insurance proceeds, as set forth in Subdivisions (1) and (2) of this Subsection. This Subsection shall apply only to a covered claim payment that is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure:

1. The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment, and shall pay such monies to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Chapter.

2. The City shall release the proceeds and any interest that has accrued on such proceeds received under subdivision (1) of this Subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after receipt of such insurance monies, unless the City has instituted legal proceedings under the provisions of Subsection (5) of Section 510.080. If the City has proceeded under the provisions of Subsection (5) of Section 510.080, all monies in excess of that necessary to comply with the provisions of Subsection (5) of Section 510.080 for the removal, securing, repair and clean up of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.

B. If there are no proceeds of any insurance policy as set forth in Subsection (A) of this Section, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.

C. Subsection (A) of this Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.

D. Subsection (A) of this Section does not make the City a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

E. The Building Commissioner may certify in lieu of payment of all or part of the covered claim under Subsection (A) that it has obtained satisfactory proof that the insured has

removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the Building Commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to Subsection (A) of this Section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided from this Subsection.

Section 510.100. Appeal.

Any owner, occupant, lessee, mortgagee, agent or any other person(s) having an interest in a dangerous building as shown by the land records of the Recorder of Deeds of Clinton County, may, within thirty (30) days from the receipt of the order of the Building Commissioner, appeal such decision to the Circuit Court of Clinton County, pursuant to the procedure established in Chapter 536, RSMo.

Section 510.110. Emergencies.

In cases where it reasonably appears that there is immediate danger to the health, life or safety of any person unless a dangerous building, as defined herein, is immediately repaired, vacated or demolished and the property is cleaned up, the Building Inspector shall report such facts to the Building Commissioner and the Building Commissioner may cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Section 510.080, Subsection (5).

Section 510.120. Violations — Disregarding Notices or Orders.

The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish said building given by the Building Commissioner or who shall fail to proceed continuously without unnecessary delay; and any person removing any notices provided for in this Chapter; and any person violating any other provisions of this Chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred dollars ($500.00). Each day that a person fails to comply with an order of the Building Commissioner may be deemed a separate offense.

Chapter 515

PUBLIC STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES

ARTICLE I
Street Excavations

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Section 515.020. Deposit, Charges and Performance.

Section 515.030. Compliance With Chapter 700.

Section 515.040. Supervision.

Section 515.050. Permit Granted — When.

Section 515.060. Applicant to Refill and Pay for Repavement.

Section 515.070. Specifications.

Section 515.080. (Reserved)

Section 515.090. Violations.

ARTICLE II
Vacation of Streets, Public Highways and Subdivisions

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Section 515.110. Petitioning for Vacation of Platted Addition or Subdivision.

Section 515.120. Filing Petition — How.

Section 515.130. Deposit Required When Filing Petition.

Section 515.140. No Vacation Unless Consented — by Whom.

Section 515.150. Property Titles.

Section 515.160. Voting on Vacation Ordinance.

Section 515.170. City Clerk Acknowledges Ordinance — Records Filed With Recorder of Deeds.

ARTICLE III
Sidewalks and Driveways

Section 515.180. Board of Aldermen Has General Supervision of Sidewalks.

Section 515.190. Permit Required to Alter Sidewalks.

Section 515.200. Jurisdiction of Street Commissioner.

Section 515.210. Board of Aldermen Has General Supervision of Sidewalks.

Section 515.220. Penalty for Violation.

ARTICLE I
Street Excavations [1]

Section 515.010. Permit Required.

[Ord. No. 920 §2, 4-8-1997; Ord. No. 1127 §1, 10-17-2006]

A. No person, firm or corporation shall hereafter cause or cause to be made any tunnels, cuts or excavations in, under or through any portion of a public street or alley without

1. **Editor's Note — Ord. no. 920 §1, adopted April 8, 1997, repealed art. I of ch. 515, §§515.010 — 515.090 and enacted the new provisions set out herein. Former §§515.010 — 515.090 derived from ord. no. 772 §§1 — 9, 6-1-83.**

first having obtained a written permit to do so from City Hall. No such permit shall be issued for such excavation except in accordance with the provisions herein contained.

B. Application for the permit must be made in writing upon forms furnished by the City. Said application shall contain the name and address of the person, firm or corporation making the application, the name of the contractor or person who is to perform such excavation and the address or location and type of work to be performed at the proposed excavation. Plans and specifications may be required at the discretion of the City prior to issuing a permit.

Section 515.020. Deposit, Charges and Performance.

[Ord. No. 920 §2, 4-8-1997; Ord. No. 1127 §1, 10-17-2006]

Before issuance of the permit, the contractor or person proposing to perform such excavation shall file with the City Clerk a deposit of seven hundred dollars ($700.00) to reimburse the City for costs incurred if the person requesting the permit or contractor fails to repair said street or alley. If the person requesting the permit or contractor repairs the street or alley as specified in Chapter 515, the deposit will be refunded.

Section 515.030. Compliance With Chapter 700.

[Ord. No. 920 §2, 4-8-1997]

If the purpose of the street cut is to install, repair, or replace a sewer and/or water tap, the applicant must also comply with Chapter 700, with regard to charges made for sewer and water connections. Such charges are in addition to any charge made or collected by the City in conjunction with this Article.

Section 515.040. Supervision.

[Ord. No. 920 §2, 4-8-1997]

All such work shall be done in accordance with the ordinances of the City and shall be inspected upon completion by the designated member of the City staff; if a permit for a street cut has been issued then the site, when prepared for repaving as hereinafter provided, shall be inspected by the appropriate City official prior to any concrete being poured.

Section 515.050. Permit Granted — When.

[Ord. No. 920 §2, 4-8-1997]

No person, firm or corporation shall be granted a permit to cut or excavate in, under or through any City street or alley and in that event the Board may allow the applicant to cross the street or alley in such manner as to do the least possible damage to the street or alley.

Section 515.060. Applicant to Refill and Pay for Repavement.

[Ord. No. 920 §2, 4-8-1997]

The applicant shall refill all cuts, tunnels and excavations made in any street or alley and compact the fill to a density of not less than ninety percent (90%) with the compaction rock and repave as hereinafter provided.

Section 515.070. Specifications.

[Ord. No. 920 §2, 4-8-1997; Ord. No. 1019 §1, 6-12-2001]

A. The repaving of streets and alleys must conform to the following minimum requirements before a permit for construction or reconstruction or any street cuts shall be permitted:

1. Street cuts are to be made with smooth straight edges. The street shall not be torn up.

2. All streets that are cut shall be repaved with concrete, no substitute shall be permitted.

3. All street cuts shall be twelve (12) inches wider on each side than the area to be excavated beneath the street. All excavation areas shall be filled with compaction rock and shall be mechanically compacted in twelve (12) inch lifts to within four (4) inches of the surface of the roadway that has been cut.

4. A minimum of six (6) inches of concrete shall be poured over the excavated area and over an area of twelve (12) inches to either side of the excavated area, to a level flush with the surface of a roadway on each side of the street cut. In addition, the concrete used to repair the cut will be at least a four thousand (4,000) pound mix.

5. Preparation of the area for the pouring of concrete shall be inspected prior to any such concrete actually being poured.

6. When an excavation or cut is made across a sidewalk space, reconstruction shall conform to the sidewalk grade as established by City ordinances.

Section 515.080. (Reserved) [2]

Section 515.090. Violations.

[Ord. No. 920 §2, 4-8-1997]

Any person violating the provisions of this Article shall, upon conviction, be subject to a fine of not more than five hundred dollars ($500.00); provided however, that each day such person shall be in violation of any provision of this Article shall constitute a separate offense.

ARTICLE II
Vacation of Streets, Public Highways and Subdivisions

Section 515.100. Petition Required.

[Ord. No. 537 §1, 4-20-1966]

Any person or corporation owning any property fronting or abutting on any public highway, street, avenue, alley, or public place, or part thereof, proposed to be vacated, may petition the Board of Aldermen therefor. Such petition must give a correct description of the part of the public highway, street, avenue, alley, or public place, sought to be vacated, and also the names of the person and corporation owning or claiming the property fronting thereon, and be verified by affidavit.

Section 515.110. Petitioning for Vacation of Platted Addition or Subdivision.

[Ord. No. 537 §2, 4-20-1966]

The owner or owners of any lot in any platted addition or subdivision within the corporate boundaries may petition the Board of Aldermen for the vacation of said platted addition or subdivision, or any part thereof. Said petitioner must give a correct description of the part of the addition or subdivision, to be vacated, and also the names of all legal owners of all lots contained in such addition or subdivision, and be verified by affidavit.

Section 515.120. Filing Petition — How.

[Ord. No. 537 §3, 4-20-1966]

Any such petition for vacation of a public highway, addition, or subdivision, or part thereof, shall be filed with the City Clerk at least fifteen (15) days previous to any action being taken thereon by the Board of Aldermen, and notice of the pendency of such petition shall be given for two (2) consecutive insertions in a newspaper printed within the City, the last insertion being not more than one (1) week prior thereto.

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2. Editor's Note — Ord. no. 1127 §1, adopted October 17, 2006, repealed section 515.080 "superintendent of utilities and city clerk — duties for charges" in its entirety. Former section 515.080 derived from ord. no. 920 §2, 4-8-97. At the editor's discretion, this section has been reserved for the city's future use.

Section 515.130. Deposit Required When Filing Petition.

[Ord. No. 537 §4, 4-20-1966]

The person or corporation seeking such vacation shall, at the time of the filing of the petition for vacation, deposit with the City Collector a fee of twenty-five dollars ($25.00)

Section 515.140. No Vacation Unless Consented — by Whom.

[Ord. No. 537 §5, 4-20-1966]

No ordinance of vacation shall be passed unless the consent, in writing, of the persons or corporations owning three-fourths (¾) of the front feet of the property fronting on that part of the public highway, street, avenue, alley or public place proposed to be vacated, or of the legal owners of all lots contained in such addition or subdivision so proposed to be faceted, acknowledged as deeds conveying real estate in this State are required to be acknowledged in order to entitle them to be recorded, shall have been obtained to such vacation, and filed with said petition in the City Clerk's office.

Section 515.150. Property Titles.

[Ord. No. 537 §6, 4-20-1966]

The property or part thereof so vacated, if it be a lot or a public square, shall belong to the persons or corporations who may have the title thereto according to law; and, if the same be a public street, avenue, alley or other highway, the title shall vest in the persons or corporations owning the property on each side thereof, in equal portions according to the length or breadth of such land as the same may border thereon, and as the title to such bordering lands may be held by said owners thereof respectively.

Section 515.160. Voting on Vacation Ordinance.

[Ord. No. 537 §7, 4-20-1966]

No ordinance vacating any public highway, street, alley, public place, or platted addition or subdivision, or part thereof, shall be passed except by at least a two-thirds (⅔) affirmative vote of the full authorized membership of the Board of Aldermen.

Section 515.170. City Clerk Acknowledges Ordinance — Records Filed With Recorder of Deeds.

[Ord. No. 537 §8, 4-20-1966]

Every ordinance vacating any public highway, street, alley, public place or platted addition or subdivision, or part thereof, shall be acknowledged by the City Clerk as deeds are acknowledged, as aforesaid, and such ordinance so acknowledged and consents of the property owners herein required shall be filed for record in the office of the Recorder of Deeds of Clinton County, Missouri.

ARTICLE III
Sidewalks and Driveways

Section 515.180. Board of Aldermen Has General Supervision of Sidewalks.

[Ord. No. 402 §§1 — 2, 12-2-1953; Ord. No. 1011 §1, 1-9-2001]

A. The Board of Aldermen of the City of Lathrop, Missouri, shall have general supervision of and power, by ordinance, to provide for and require the building and repairing of sidewalks and sidewalk curbing along any street, avenue or highway of said City, or to cause the same to be done by said City at the cost of the owner of the property along and adjacent to said sidewalks and sidewalk curbing, all in accordance with the laws and Statutes of the State of Missouri applicable in the premises and provided thereof.

B. All sidewalk construction and/or replacement shall require a permit with a fee of one dollar ($1.00) per lineal foot with a maximum of ten dollars ($10.00). The permit will not be issued prior to a drawing or plan of the construction being submitted and approved by the Building Inspector. The Building Inspector shall review the plan for conformance to the applicable construction standards and compliance to safety and Americans with Disabilities Act (ADA) requirements.

C. The Board of Aldermen shall have power, by ordinance, to provide and impose a fine and penalty for the violation of any such ordinance as is provided for in Subsection (A) of this Section.

Section 515.190. Permit Required to Alter Sidewalks.

[Ord. No. 789 §1, 10-28-1985]

A. No person, firm or corporation shall hereafter construct, build, establish or maintain any driveway over, across or upon any portion of the public sidewalk or public right-of-way without first having obtained a written permit to do so from the Commissioner of Streets. No such permit shall be issued for construction or establishment of any such driveway except in accordance with the provisions herein contained.

B. Application for permit must be made in writing upon forms furnished by the City. Said application shall contain the name and address of the person, firm or corporation making the application, the name of the contractor or person who is to construct said driveway and the proposed location and dimensions of such driveway.

Section 515.200. Jurisdiction of Street Commissioner.

[Ord. No. 789 §2, 10-28-1985]

All such work shall be done under the jurisdiction of the Commissioner of Streets in accordance with the ordinances of the City; and shall be inspected upon completion by the Commissioner of Streets.

Section 515.210. Board of Aldermen Has General Supervision of Sidewalks.

[Ord. No. 789 §3, 10-28-1985; Ord. No. 1011 §1, 1-9-2001; Ord. No. 1070 §1, 8-19-2003]

A. All plans and specifications for driveways shall conform to the following minimum requirements before a permit for construction or reconstruction shall be permitted:

1. Where driveways cross open ditches in the street right-of-ways, culverts shall be installed.

2. The City shall be responsible for the cleaning of culverts existing in the street right-of-ways.

3. The cost of culverts and other materials necessary to properly install a culvert shall be the responsibility of the property owner.

4. All culverts used in drives shall be galvanized or double-walled plastic made for drainage purposes. All culverts on upland drives shall be eight (8) to ten (10) inches in diameter. Culverts in down hill and low-lying ditches shall be twelve (12) inches minimum diameter. All culvert sizes shall be approved as being adequate for the existing conditions by the Maintenance Superintendent.

5. Culverts used in walkways may be double-walled plastic but shall be of the same size or larger as the driveway or street culverts on either side so as not to restrict the water flow.

6. Culverts shall be no longer than thirty (30) feet in length unless authorized by the Maintenance Superintendent to control erosion or street integrity.

7. Culverts shall not be used to close off street ditches thus allowing storm water runoff to enter the street.

Section 515.220. Penalty for Violation.

[Ord. No. 789 §4, 10-28-1985]

Any person, firm or corporation violating any of the provisions of Sections 515.190 — 515.210 shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than five hundred dollars ($500.00). Each such day of violation shall be deemed a separate offense.

Chapter 600

ALCOHOLIC BEVERAGES

Section 600.010. Definitions.

Section 600.020. License Required.

Section 600.030. Cost of License.

Section 600.040. Licenses Non-Transferable — Exceptions.

Section 600.050. Term.

Section 600.060. Time Fixed for Opening and Closing Premises — Closed Place Defined — Penalty.

Section 600.070. Certain Holidays, Sale by the Drink on Sunday Allowed.

Section 600.080. Place of Sale.

Section 600.090. Lawful Possession.

Section 600.100. Consuming Intoxicating Liquor in Public Prohibited.

Section 600.110. Qualifications for Licenses — Resident Corporation and Financial Interest Defined.

Section 600.120. Sale to Minor, Certain Other Persons — Misdemeanor — Exceptions.

Section 600.130. License Application — Appraisal of Merchandise.

Section 600.140. License — Original Package — to Whom Granted.

Section 600.145. No Sales Near Churches.

Section 600.147. Tasting Permit.

Section 600.150. License — Retail by the Drink — Limitation on Issuance.

Section 600.160. Malt Liquor.

Section 600.170. Unauthorized Liquors Prohibited on Premises Licensed for Sale by Drink.

Section 600.180. Convicted, Results.

Section 600.190. Conviction — Duty of Municipal Judge.

Section 600.200. In Case of Revocation of License.

Section 600.210. Sunday Package Liquor Sales.

Section 600.220. Minors Prohibited From Purchasing or Possessing Intoxicating Liquor or Non-Intoxicating Beer.

Section 600.010. Definitions.

For the purposes of this Chapter the following terms shall be deemed to have the meanings indicated below:

INTOXICATING LIQUOR — Shall mean and include alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes, containing in excess of one-half of one percent (0.5%) by volume except for non-intoxicating beer as defined in Section 312.010, RSMo. All beverages having an alcoholic

content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter, but subject to inspection as provided by Sections 196.365 to 196.445, RSMo.

MALT LIQUOR — Shall mean and include alcohol for beverage purposes containing alcohol in excess of three and two tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight.

NON-INTOXICATING BEER — Shall be construed to refer to and to mean any beer manufactured from pure hops or pure extract of hops, and pure barley malt or other wholesome grains or cereals, and wholesome yeast, and pure water, and free from all harmful substances, preservatives and adulterants, and having an alcoholic content of more than one-half of one percent (0.5%) by volume and not exceeding three and two-tenths (3.2%) percent by weight.

PERSON — Shall mean and include any individual, association, joint stock company, syndicate, copartnership, corporation, receiver, trustee, conservator, or other officer appointed by any State or Federal Court.

Section 600.020. License Required.

[Ord. No. 628 §2, 9-22-1971]

It shall be unlawful for any person, firm, association of persons, partnership or corporation, to sell or offer for sale intoxicating liquor in the City of Lathrop, Missouri, in any quantity whatsoever without first having obtained a permit and license to do so from the City therefor, and then only on complying with all of the provisions and regulations of Chapters 311 and 312 of the Revised Statutes of Missouri, 1969.

Section 600.030. Cost of License.

[Ord. No. 628 §18, 9-22-1971; Ord. No. 1089 §1, 9-2-2004; Ord. No. 1134 §1, 2-20-2007; Ord. No. 1141 §1, 7-17-2007; Ord. No. 1228 §1, 5-15-2012]

A. The sale of intoxicating liquor, by retail, including both: malt beverages of liquor less than five percent (5%) of alcohol by weight; and intoxicating liquor in excess of five percent (5%) of alcohol by weight to be sold at retail in an original package and not to be opened or consumed on the premises where sold, the sum of seventy-five dollars ($75.00).

B. The sale of malt liquor containing alcohol in excess of three and two-tenths percent (3.2%) weight, at retail, in the original package, directed to consumers, but not for resale, the sum of twenty-two dollars fifty cents ($22.50).

C. The sale of malt liquor and light wines containing not in excess of fourteen percent (14%) of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables, at retail by the drink for consumption on the premises where sold, the sum of fifty two dollars fifty cents ($52.50) per year, which license shall also permit the holder thereof to sell non-intoxicating beer. This license also authorizes the sale of malt liquor and wine by the drink from 9:00 A.M. until Midnight on Sunday.

D. The sale of all kinds of intoxicating liquor, at retail by the drink for consumption on premises of the licensee, the sum of four hundred fifty dollars ($450.00) per year, which shall include the sale of intoxicating liquor in the original package.

E. The temporary sale of intoxicating liquor and malt liquor at retail by the drink for consumption on the premises where sold by any church, school, civic, service, fraternal, veteran, political, or charitable club or organization between the hours of 11:00 A.M. and Midnight daily for sale at a picnic, bazaar, festival, fair or similar gathering ("picnic license") the sum of thirty-seven dollars fifty cents ($37.50). A picnic license shall be issued only for the day or days named therein and it shall not authorize the sale of the aforesaid beverages for more than seven (7) days by any said organization as described above in any fiscal year.

F. *Intoxicating Liquor — Sunday Sales By Drink.* A license may be issued to applicants who have complied with this Chapter and meet State of Missouri Alcohol and Liquor Control requirements, licensing such applicants to sell intoxicating liquor by-the-drink for consumption on the licensed premises from 9:00 A.M. until Midnight on Sunday, upon payment to the City for each such license the sum of three hundred dollars ($300.00) per year.

Section 600.040. Licenses Non-Transferable — Exceptions.

A. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this law may make application and the supervisor of liquor control may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased.

B. Whenever one (1) or more members of a partnership withdraws from the partnership the City, upon being requested, shall permit the remaining partner, or partners, originally licensed, to continue to operate for the remainder of the period for which the license fee has been paid, without obtaining a new license.

Section 600.050. Term.

[Ord. No. 628 §5, 9-22-1971; Ord. No. 1228 §2, 5-15-2012]

All licenses issued under this Chapter, except for picnic licenses as described in Section 610.030(E), shall be for a term to expire with the thirtieth (30th) day of June next succeeding the date of such license. Of the license tax required to be paid for any license issued hereunder, the applicant shall pay as many twelfths (12ths) as there are months (part of a month to be counted as a month) remaining from the date of the license to the next succeeding July first (1st).

Section 600.060. Time Fixed for Opening and Closing Premises — Closed Place Defined — Penalty.

A. No person having a license under this law, nor any employee of such person, except as provided in Subsection (B) of this Section, shall sell, give away, or otherwise dispose of, or suffer the same to be done upon or about his/her premises, any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. Sunday and 6:00 A.M. Monday. If the person has a license to sell intoxicating liquor by the drink, his/her premises shall be and remain a closed place as defined in this Section between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. Sunday and 6:00 A.M. Monday. Where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs or hotels, this Section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants whose business is conducted in one (1) room only and substantial quantities of food and merchandise other than intoxicating liquors are dispensed, then the licensee shall keep securely locked during the hours and on the days specified in this Section all refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed. A *"closed place"* is defined to mean a place where all doors are locked and where no patrons are in the place or about the premises. Any person violating any provision of this Section shall be deemed guilty of a misdemeanor. Nothing in this Section shall be construed to prohibit the sale or delivery of any intoxicating liquor during any of the hours or on any of the days specified in this Section by a wholesaler licensed under the provisions of Section 311.180, RSMo., to a person licensed to sell the intoxicating liquor at retail.

B. Any person licensed pursuant to Section 600.030 shall not be permitted to sell, give away, or otherwise dispose of, or suffer the same to be done upon or about his/her premises, any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. Sunday and 6:00 A.M. Monday.

Section 600.070. Certain Holidays, Sale by the Drink on Sunday Allowed.

When January first (1st), March seventeenth (17th), July fourth (4th), or December thirty-first (31st) falls on Sunday, and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the national football league is played, commonly known as "Super Bowl Sunday", any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his/her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of Section 600.060 or any other provision of law to the contrary.

Section 600.080. Place of Sale.

[Ord. No. 628 §7, 9-22-1971]

No person having a license under this Chapter shall sell or offer for sale intoxicating liquor in any place other than that described in his/her license.

Section 600.090. Lawful Possession.

[Ord. No. 628 §8, 9-22-1971]

No person shall sell, offer for sale, or possess within the City of Lathrop, Missouri, any intoxicating liquor, as herein defined, unless same has been inspected and labeled according to the provisions of the State Liquor Control Act, or in a package that shall have upon it the certificate and label of the State Supervisor of Liquor Control.

Section 600.100. Consuming Intoxicating Liquor in Public Prohibited.

[Ord. No. 628 §9, 9-22-1971]

It shall be unlawful for any person to drink or consume intoxicating liquor in any public building or upon any public street or alley of the City of Lathrop, Missouri, or in any public conveyance or in any automobile, truck, or other motor vehicle upon the public streets or alleys of the City of Lathrop, Missouri.

Section 600.110. Qualifications for Licenses — Resident Corporation and Financial Interest Defined.

A. No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter; and no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the Twenty-First Amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his/her business as such dealer, any person whose license has been revoked or who has been convicted of violating such law since the date aforesaid; provided, that nothing in this Section contained shall prevent the issuance of licenses to non-residents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler, within this State.

B. No person, partnership or corporation shall be qualified for a license under this law if such person, any member of such partnership, or such corporation, or any officer, director, or any stockholder owning, legally or beneficially, directly or indirectly, ten percent (10%) or more of the stock of such corporation, or other financial interest therein, or ten percent (10%) or more of the interest in the business for which the person, partnership or corporation is licensed, or any person employed in the business licensed under this law shall have had a license revoked under this law or shall have been convicted of violating the provisions of any law applicable to the manufacture or sale of intoxicating liquor since the ratification of the Twenty-First Amendment to the Constitution of the United States, or shall not be a person of good moral character.

1. No license issued under this Chapter or Chapter 312, RSMo., shall be denied, suspended, revoked or otherwise affected based solely on the fact that an employee of the licensee has been convicted of a felony unrelated to the manufacture or sale

of intoxicating liquor so long as any such employee does not directly participate in retail sales of intoxicating liquor. Each employer shall report the identity of any employee convicted of a felony to the Division of Liquor Control. The Division of Liquor Control shall promulgate rules to enforce the provisions of this Subdivision.

a. No wholesaler license shall be issued to a corporation for the sale of intoxicating liquor containing alcohol in excess of five percent (5%) by weight, except to a resident corporation as defined in this Section.

C. A *"resident corporation"* is defined to be a corporation incorporated under the laws of this State, all the officers and directors of which, and all the stockholders, who legally and beneficially own or control sixty percent (60%) or more of the stock in amount and in voting rights, shall be qualified legal voters and taxpaying citizens of the county and municipality in which they reside and who shall have been bona fide residents of the state for a period of three (3) years continuously immediately prior to the date of filing of application for a license, provided that a stockholder need not be a voter or a taxpayer, and all the resident stockholders of which shall own, legally and beneficially, at least sixty percent of all the financial interest in the business to be licensed under this law; provided, that no corporation, licensed under the provisions of this law on January 1, 1947, nor any corporation succeeding to the business of a corporation licensed on January 1, 1947, as a result of a tax-free reorganization coming within the provisions of Section 112, United States Internal Revenue Code, shall be disqualified by reason of the new requirements herein, except corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent (5%) by weight, or owned or controlled, directly or indirectly, by non-resident persons, partnerships or corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent (5%) by weight.

D. The term *"financial interest"* as used in this Chapter is defined to mean all interest, legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such interest in the net profits of the enterprise, after the payment of reasonable and necessary operating business expenses and taxes, including interest in dividends, preferred dividends, interest and profits, directly or indirectly paid as compensation for, or in consideration of interest in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned or otherwise made available to the enterprise, except by way of ordinary commercial credit or bona fide bank credit not in excess of credit customarily granted by banking institutions, whether paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any other form whatsoever.

E. The supervisor shall by regulation require all applicants for licenses to file written statements, under oath, containing the information reasonably required to administer this Section. Statements by applicants for licenses as wholesalers and retailers shall set out, with other information required, full information concerning the residence of all persons financially interested in the business to be licensed as required by regulation. All material changes in the information filed shall be promptly reported to the Supervisor.

Section 600.120. Sale to Minor, Certain Other Persons — Misdemeanor — Exceptions.

Any licensee under this Chapter, or his/her employee, who shall sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever except his/her parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one (21) years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard, shall be deemed guilty of a misdemeanor, except that this Section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only, or to the administering of such intoxicating liquor to any person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor when serving in the capacity as an employee of a licensed establishment.

Section 600.130. License Application — Appraisal of Merchandise.

[Ord. No. 628 §12, 9-22-1971]

Application for license under this Chapter shall be made in writing to the Board of Aldermen. Such application when made for the sale of intoxicating liquor to be sold in the original package not to be consumed on the premises where sold shall be accompanied by an appraisal of merchandise other than fixtures and intoxicating liquor, and shall be at least one thousand dollars ($1,000.00) in value, and shall be under oath. No license shall be granted by the Board of Aldermen of the City of Lathrop, Missouri, until it is satisfactorily shown that the laws of the State of Missouri have been fully complied with.

Section 600.140. License — Original Package — to Whom Granted.

[Ord. No. 628 §14, 9-22-1971; Ord. No. 899 §1, 3-26-1996; Ord. No. 1213 §1, 11-2-2010]

No license shall be issued for the sale of intoxicating liquor in its original package, not to be opened or consumed on the premises where sold, except to persons engaged in and to be used in connection with the following businesses: A drug store; a cigar and tobacco store; a grocery store; a general merchandise store; a confectionery and/or delicatessen store. No such license shall be issued to any such person that does not have and keep in his/her/its store a stock of goods and merchandise having a value of at least one thousand dollars ($1,000.00), exclusive of fixtures and intoxicating liquor.

Section 600.145. No Sales Near Churches.

[Ord. No. 1213 §2, 11-2-2010]

No license shall be granted pursuant to this Chapter at any place within one hundred (100) feet of any school, church or other building regularly used as a place of religious worship. For the purposes of determining such distances between such premises, measurement shall be made in the most direct line from the front door of the licensee's premises where liquor is to

be sold to the front door of the school, church or other building regularly used as a place of religious worship.

Section 600.147. Tasting Permit.

[Ord. No. 1263 §1, 7-15-2014]

Notwithstanding any other provisions of this Chapter to the contrary, any person possessing the qualifications and meeting the requirements of this Chapter, who is licensed to sell intoxicating liquor in the original package at retail under Section 600.140, may apply to the City for a special permit to conduct wine, malt beverage, and distilled spirit tastings on the licensed premises. A licensee under this Section shall pay to the City an additional twenty-five dollars ($25.00) a year payable at the same time and manner as other license fees. Nothing in this Section 600.147 shall be construed to permit the licensee to sell wine, malt beverage, and distilled spirits for on-premises consumption.

Section 600.150. License — Retail by the Drink — Limitation on Issuance.

[Ord. No. 628 §15, 9-22-1971; Ord. No. 1142 §1, 7-25-2007; Ord. No. 1228 §3, 5-5-2012]

Licenses for the sale of intoxicating liquor by retail by the drink shall be limited and restricted to the issuance of one (1) said license for each one thousand (1,000) persons population on the latest official census in said City, or fraction thereof. This limitation shall not apply to picnic licenses issued hereunder.

Section 600.160. Malt Liquor.

[Ord. No. 628 §16, 9-22-1971]

Malt liquor, containing in excess of three and two-tenths percent (3.2%) alcohol by weight and not in excess of five percent (5%) of alcohol by weight may be sold to be consumed upon the premises where sold, and by the drink, when license therefor has been issued under the terms of this Chapter, provided no license as provided therein shall be issued or sale made by licensee contrary to the provisions of Chapters 311 and 312, Revised Statutes of Missouri.

Section 600.170. Unauthorized Liquors Prohibited on Premises Licensed for Sale by Drink.

It shall be unlawful for the holder of any license authorized by this Chapter, for the sale of any intoxicating liquor at retail by the drink for consumption on the premises where sold, to keep or secrete, or to allow any other person to keep or secrete in or upon the premises described in such license, any intoxicating liquor, other than the kind of liquor expressly authorized to be sold by such license.

Section 600.180. Convicted, Results.

[Ord. No. 628 §17a, 9-22-1971]

No person having been convicted of the violation of any of the terms of this Chapter shall be issued a license or a renewal thereof for a period of one (1) year therefrom.

Section 600.190. Conviction — Duty of Municipal Judge.

[Ord. No. 628 §19, 9-22-1971]

Upon conviction of any person under the terms of this Chapter, it shall be the duty of the Municipal Judge to certify such conviction to the Board of Aldermen and to the State Supervisor of Liquor Control.

Section 600.200. In Case of Revocation of License.

[Ord. No. 628 §20, 9-22-1971]

In case of revocation or forfeiture of a license granted and issued under the terms of this Chapter, the City shall, in no event, return any part of the license fee paid for such license.

Section 600.210. Sunday Package Liquor Sales.

[Ord. No. 869 §1, 6-16-1993; Ord. No. 1076 §1, 2-17-2004]

In addition to all other licenses for sale of liquor for consumption off premisses, there shall be a special license for sale thereof between the hours of 9:00 A.M. to Midnight on Sundays at retail, in the original package. The special license fee for this privilege shall be three hundred dollars ($300.00) per year, or any part of a year, and the application for such license shall not require a special approval by the Board of Aldermen but shall rather be issued to holders of package liquor licenses under Section 600.030 hereof upon receipt of application and payment of the license fee herein stated. To the extent the terms of this Section conflict with Section 600.060 of this Chapter, then Section 600.060 shall be deemed to be amended.

Section 600.220. Minors Prohibited From Purchasing or Possessing Intoxicating Liquor or Non-Intoxicating Beer.

[Ord. No. 632 §§1, 3, 10-20-1971; Ord. No. 1158 §1, 4-15-2008]

A. It shall be unlawful for any person under the age of twenty-one (21) years to purchase or attempt to purchase, or have in his or her possession any intoxicating liquor as defined in Section 600.010.

B. Any person under the age of twenty-one (21) years, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor, malt liquor or non-intoxicating beer as defined in Section 600.010 of the Municipal Code or who is visibly intoxicated as defined in Section 577.001, RSMo., or has a detectable blood alcohol content of more than two-hundredths of one percent (.02%) by weight of alcohol in such person's blood is guilty of a misdemeanor.

Chapter 605

BUSINESS LICENSES

Section 605.010. City Clerk Issues Licenses.

Section 605.020. License Issued After Taxes Paid.

Section 605.030. Issuance of License.

Section 605.040. Separate License — When.

Section 605.050. Term.

Section 605.060. No Issuance — When.

Section 605.070. Penalties — When.

Section 605.080. Non-Transferable.

Section 605.090. City Clerk Maintains Records.

Section 605.100. Display License.

Section 605.110. License Fee Schedule.

Section 605.120. Business License Fee on Telecommunications Companies.

Section 605.010. City Clerk Issues Licenses.

[Ord. No. 636 §1, 6-21-1972]

The City Clerk shall issue all licenses prescribed in this Chapter and the Board of Aldermen shall prescribe the form thereof.

Section 605.020. License Issued After Taxes Paid.

[Ord. No. 636 §2, 6-21-1972]

No license or permit provided for or required under this Chapter shall hereafter be issued to any person until the City personnel tax and merchants' tax for the preceding years lawfully due and unpaid shall have been paid.

Section 605.030. Issuance of License.

[Ord. No. 636 §3, 6-21-1972]

A license may be issued to any corporation, association or partnership or to two (2) or more persons engaged in any joint enterprise the same as a single person.

Section 605.040. Separate License — When.

[Ord. No. 636 §4, 6-21-1972]

A separate license shall be obtained for each place of business conducted, operated, maintained or carried on by every person engaged in any occupation, trade or enterprise, for which a license is required by the ordinances of the City. When any applicant for an occupation license is engaged in one (1) or more occupations or businesses at the same address, such applicant, may at his/her option in lieu of making application and paying for a separate occupation or business license for each occupation or business make application and

pay for the occupation or business license for the major or principal business or occupation of the applicant at such address.

Section 605.050. Term.

[Ord. No. 636 §5, 6-21-1972]

All licenses, except as specifically provided by ordinance, shall be due and issued as of July first (1st) of each and every year and when such licenses shall be applied for and issued prior to January first (1st) of the succeeding year, the full amount, as set forth, shall be exacted from the applicant; however, when such license shall be applied for and issued during the period between January first (1st) and July first (1st) of the succeeding year, only sixty percent (60%) of the annual rate of tax shall be exacted from the applicant. No licenses shall be issued for more than a one (1) year period.

Section 605.060. No Issuance — When.

[Ord. No. 636 §6, 6-21-1972]

The City Clerk shall not issue any annual or temporary license until the party applying for it shall have paid the sum of money charged as therefor is provided by ordinance.

Section 605.070. Penalties — When.

[Ord. No. 636 §7, 6-21-1972]

Whenever any license tax, as fixed by this Chapter, shall have remained unpaid after the date for payment by this Chapter, a penalty of ten percent (10%) of the amount due shall be imposed and an additional penalty of two percent (2%) of the original fee shall be added on the last day of each calendar month thereafter, until such payment and accrued penalties have been paid. In no case shall the total penalty exceed thirty percent (30%) of the original fee; provided, however, that this Section shall not be deemed a waiver of the right of any court to impose a penalty for the violation of the ordinances of the City effecting the time when any license tax is due.

Section 605.080. Non-Transferable.

[Ord. No. 636 §8, 6-21-1972]

No license issued pursuant to this Chapter shall be transferable. Duplicate license may be issued by the Clerk to replace any license previously issued which may have been lost or destroyed upon the applicant filing a certification attesting to such fact, and at the time of filing such certification, paying to the Collector a fee of one dollar ($1.00) therefor.

Section 605.090. City Clerk Maintains Records.

[Ord. No. 636 §9, 6-21-1972]

The City Clerk shall keep a complete and perfect record of all licenses issued showing the nature of the license, its date, expiration and to whom issued.

Section 605.100. Display License.

[Ord. No. 636 §10, 6-21-1972]

All licenses granted by the City shall be carefully preserved and displayed in a conspicuous place in the place of business to be conducted by such licensee.

Section 605.110. License Fee Schedule.

[Ord. No. 636 §13, 6-21-1972]

Every corporation, company, association, joint stock company or association, partnership and person, their licensees, trustees or receivers appointed by any court whatsoever, engaged in any of the following businesses, occupations, pursuits, professions or trades, shall annually on July first (1st) of each year, procure and pay a license therefor from the City, and such annual license fee shall be in the respective amounts set out below:

All other trades, businesses, avocations whatsoever	$15.00
Auto Wrecking	$15.00
Automobile Dealers	$30.00
Banks	$30.00
Barber Shops	$15.00
Beauty Shops	$15.00
Bowling Alleys — First Lane	$10.00
Each additional lane	$5.00
Brokers	$30.00
Building Contractors	$15.00
Butchers	$15.00
Carpenters and Cabinet Shops	$15.00
Cement Contractors	$15.00
Cleaners	$15.00
Confectioners	$15.00
Drug Sundries	$15.00
Druggists	$15.00
Electricians	$15.00
Feed and Produce	$15.00
Florist and/or Gift Shops	$15.00

Garages and/or Body Shops	$15.00
Gas and Oil Tank Wagons	$15.00
Gasoline Bulk Stations	$15.00
Grain Elevators	$35.00
Grocers and/or Meat Markets	$15.00
Hardware Stores	$15.00
Hawkers	$15.00
Heating and Air Conditioning	$15.00
Hotels and Motels	$15.00
Ice Cream and Soft Drink Stands	$15.00
Insurance Agents	$15.00
Insurance Companies	$15.00
Jewelry Stores	$15.00
Job Printing	$15.00
Laundress or Laundry Mats	$15.00
Loan Companies	$15.00
Lumber Yards	$35.00
Manufacturers	$30.00
Merchants of all kinds	$15.00
Monument Dealers	$15.00
Mortuaries	$15.00
Nursery Stock Agents	$15.00
Pest and Termite Control	$15.00
Plumbers	$15.00
Pool Halls — First table	$10.00
Each additional table	$5.00
Radio and T.V. Repairs and Sales	$15.00
Real Estate Agents	$15.00
Restaurants	$15.00
Service Stations	$15.00
Taxi Service	$15.00
Title and Abstract	$15.00
Vehicle Sales	$15.00

Section 605.120. Business License Fee on Telecommunications Companies.

[Ord. No. 1160 §1, 5-20-2008]

The City of Lathrop hereby imposes a business license fee on any telecommunications companies operating within the corporate limits of the City of Lathrop, Missouri. A five percent (5%) business license tax on telephone and telecommunications service providers

engaged in providing services whether through wire or wireless transmissions operating within the corporate limits of the City of Lathrop, Missouri, is hereby established. The five percent (5%) business license tax shall be on the gross receipts of telephone suppliers and telecommunications service providers.

Chapter 610

SOLICITORS AND PEDDLERS

Section 610.010. Hawking or Peddling — Generally.

Section 610.020. Permit Required.

Section 610.030. Permit Application From City Clerk.

Section 610.040. Contents of Permit Application.

Section 610.050. Permit — Limitations.

Section 610.060. Display.

Section 610.070. Revocation.

Section 610.080. Exemption.

Section 610.090. Penalty for Violations.

Section 610.010. Hawking or Peddling — Generally.

[Ord. No. 747 §1, 7-11-1980]

No person, without the required permit set out in Section 610.040, shall sell, solicit or offer for sale or hawk or peddle any article, thing or personal service, except newspapers and magazines in or upon any street, sidewalk, alley, public way, public building, public park or place in the City; provided, that nothing herein contained shall be construed to apply to the sale of any personal property at any established place in any public building, public park or public place by express authority of the government agency in control thereof.

Section 610.020. Permit Required.

[Ord. No. 747 §2, 7-11-1980]

The practice of going in and upon private residences or businesses within the City, by persons not holding a proper permit pursuant to Section 610.040 of this Chapter and not having been requested or invited to do so by the owner or occupant of such residence or business for the purpose of soliciting orders for the sale of goods, wares and merchandise or disposing of or peddling or hawking the same is declared to be a nuisance and unlawful.

Section 610.030. Permit Application From City Clerk.

[Ord. No. 747 §3, 7-11-1980]

It shall be unlawful for any person or organization to engage in the acts in Sections 610.010 and 610.020 without first having applied for and obtained a permit to do so from the City Clerk.

Section 610.040. Contents of Permit Application.

[Ord. No. 747 §4, 7-11-1980]

A. Any person or organization desiring a permit to engage in acts described in this Chapter within the City shall make written application to the City Clerk, which application shall show and contain the following:

1. The name and address of the applicant;

2. The name and address of the person, if any, that the applicant represents;

3. The kind of goods or services offered for sale or demonstration;

4. Whether the applicant, upon any sale or order, shall demand, accept, or receive payment or deposit of money in advance of final delivery;

5. The period of time such applicant wishes to engage in such business within the City;

6. Whether or not the applicant has ever been convicted of a felony, and if so, the complete circumstances thereof;

7. Each application shall be accompanied by a twenty-five dollar ($25.00) cash fee, for processing the application and issuing the license.

Section 610.050. Permit — Limitations.

[Ord. No. 747 §5, 7-11-1980]

Each permit issued under the provisions of this Chapter shall be signed by the City Clerk, shall be dated as of the date of its issuance, and shall state the duration or term of such permit on the face thereof. Any permit not dated and signed as herein required, or which was issued in violation of this Section, shall be void. All permits issued pursuant to this Chapter shall be valid for sixty (60) days from the date of issuance.

Section 610.060. Display.

[Ord. No. 747 §6, 7-11-1980]

Every peddler permitted under the provisions of this Chapter and doing business within the City shall display his/her permit upon request of any person, and failure so to display such permit shall be deemed a misdemeanor.

Section 610.070. Revocation.

[Ord. No. 747 §7, 7-11-1980]

Any permit issued under the provisions of this Chapter may be revoked for the violation by the licensee of any applicable provision of this Code, State law or City ordinance, rule or regulation.

Section 610.080. Exemption.

[Ord. No. 747 §8, 7-11-1980]

This Chapter shall not apply to solicitation for charitable, civic, religious or patriotic purposes by persons who serve without compensation or remuneration, or sellers of locally grown produce for casual sales.

Section 610.090. Penalty for Violations.

[Ord. No. 747 §9, 7-11-1980]

Any person, or organization found guilty of violating the terms of this Chapter shall be deemed guilty of a misdemeanor and fined not less than fifty dollars ($50.00), nor more than two hundred fifty dollars ($250.00). Each separate solicitation may be deemed a separate offense.

Chapter 615

GROSS RECEIPTS TAX

ARTICLE I
Power and Light Companies

Section 615.010. Generally.

Section 615.020. Tax Imposed.

Section 615.025. Reaffirming the Gross Receipts Tax.

Section 615.030. Tax Paid to City Collector.

Section 615.040. Violations.

ARTICLE II
Telephone and Telecommunications Services

Section 615.050. Occupational License Fee.

ARTICLE I
Power and Light Companies

Section 615.010. Generally.

[Ord. No. 458 §1, 10-14-1959]

There is hereby levied a license tax, hereinafter called tax, upon any and all light companies and power companies who shall construct, maintain, and operate any system for the manufacture, transmission, distribution, or sale of electricity for lighting, heating, or power purposes within the corporate limits of the City of Lathrop, Missouri, and the same shall be taxed and regulated as hereinafter provided.

Section 615.020. Tax Imposed.

[Ord. No. 458 §2, 10-14-1959; Ord. No. 797 §1, 9-9-1986]

It shall be unlawful for any person, persons, firm, or corporation to exercise, carry on, or engage in the light and power business in the City of Lathrop, Missouri, without paying a license tax therefor as follows, to-wit:

All power companies and all light companies shall pay to the City of Lathrop a tax amounting to five percent (5%) of their gross revenues received from the sale of electricity in said City, excepting sales direct to the municipality, and said tax shall be paid on or before the twentieth (20th) day of each month on the gross sales of the preceding month. Checks in payment of said tax shall be supported by a detailed statement of gross sales each month. The books and records of said power company or light company shall be subject to inspection by said municipality at reasonable times.

Section 615.025. Reaffirming the Gross Receipts Tax.

[Ord. No. 1222 §1, 9-20-2011; Ord. No. 1238 §1, 2-25-2013]

The gross receipts and/or franchise taxes imposed upon electric corporations, including, but not limited to, the tax imposed upon Union Electric a/k/a Ameren Missouri pursuant to Ordinance 880 of Lathrop, Missouri, shall be maintained at its existing rate of five percent (5%) despite the tariff increase awarded by the Public Service Commission to Ameren Missouri effective January 2, 2013.

Section 615.030. Tax Paid to City Collector.

[Ord. No. 458 §3, 10-14-1959]

The said tax shall be paid to the City Collector of said City who shall pay the same into the General Revenue Fund of said City.

Section 615.040. Violations.

[Ord. No. 458 §4, 10-14-1959]

Any power company or light company which shall carry on or engage in the power business or light business in the City of Lathrop, Missouri, without paying the license tax prescribed herein, or in violation of any of the provisions of this Chapter, shall be deemed guilty of a misdemeanor and of a separate and distinct offense under the provisions hereof, for each twenty-four (24) hours that such power business or light business shall be carried on or engaged in, and upon conviction for violating any provision of this Chapter shall be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00).

ARTICLE II
Telephone and Telecommunications Services

Section 615.050. Occupational License Fee.

[Ord. No. 1200 §1, 5-28-2010]

A. Every person, firm or corporation engaged in the business of furnishing telephone service or telecommunications services for residential, commercial, business, manufacturing, industrial or for any other purpose in the City, who shall furnish the services within the City, shall pay to the City a tax equal to five percent (5%) of the gross receipts solely derived from the charges for local telephone or telecommunications services in the City as a license tax for conducting such business within the City.

B. It is hereby made the duties of those persons, firms or corporations mentioned above to file with the City Clerk, on or before the fifteenth (15th) day of each calendar month, a statement of the gross receipts of such persons, firms or corporations for the calendar month immediately preceding the date of the statement, clearly showing the gross receipts as calculated under this Article of such persons, firms or corporations from charges for local telephone and telecommunication services. Such statement shall be certified by the affidavit of an individual person, or in the case of a firm or corporation,

by the principal officer thereof. At the time of filing the monthly statement required, the person, firm or corporation shall pay to the City the license tax required.

C. The tax imposed by this Section shall be a license tax authorized by Section 94.270, RSMo., and amendments thereto.

D. With respect to persons providing telephone or telecommunication service, these shall be deemed to include all telecommunication services (e.g., telegraph, mobile telephones, cellular, wireless, pager services, etc.) and not limited to the above regardless of the supplier.

E. All funds received from the tax imposed by this Article shall be collected by the City and deposited into the general revenue fund to be appropriated by the Board of Aldermen in the annual City budget.

F. Should any persons, firms or corporations engaged in the business of furnishing telephone service or telecommunication services fail to file the statement or pay the tax as provided for in this Article by the date due, such person shall be penalized in an amount equal to ten percent (10%) of the tax when due, which penalty shall be payable to the City. Other persons violating the provisions of this Article shall be guilty of a misdemeanor. Each ten (10) days shall constitute a separate offense.

Chapter 700

WATER SERVICE

ARTICLE I
General Provisions

Section 700.010. Public Utility Established.

Section 700.020. Water Rates.

Section 700.030. (Reserved)

Section 700.040. (Reserved)

Section 700.050. Charge for Service Connections Outside City Limits.

Section 700.060. Charge for Coin-O-Matic.

Section 700.070. Bill Payment Guarantees and Deposit.

Section 700.080. Meter Reading, Billing Practices and Late Fees and Service Discontinuances.

Section 700.090. Water Temporarily Unmetered.

Section 700.100. Notification to City of Connection.

Section 700.110. Water Service Connections.

Section 700.120. Water Leaks.

Section 700.130. Water Service Disconnection.

Section 700.135. Repair of Private Connections to the Lathrop Public Sanitary Sewer System.

Section 700.137. Penalty for Violation of Section 700.135.

Section 700.140. Access to Premises Served.

Section 700.150. Service Discontinuance.

Section 700.160. Misuse of Property.

ARTICLE II
Cross-Connection Control

Section 700.170. Cross-Connection Control — General Policy.

Section 700.180. Definitions.

Section 700.190. Cross-Connections Prohibited.

Section 700.200. Survey and Investigations.

Section 700.210. Type of Protection Required.

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ARTICLE III
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Section 700.270. Lead Ban — General Policy.

ARTICLE IV
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Section 700.280. Purpose.

Section 700.290. Definitions; Word Usage.

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Section 700.340. Definitions; Word Usage.

Section 700.350. Connection to Public Water System; When.

Section 700.360. Privately Owned Water System.

Section 700.370. Water System Connections and Permits.

Section 700.380. Tampering With Facilities.

Section 700.390. Powers and Authorities of Mayor and Other Employees.

Section 700.400. Violations and Penalties.

ARTICLE I
General Provisions

Section 700.010. Public Utility Established. [1]

[Ord. No. 487 §2, 8-15-1962]

There is hereby established as a public utility, the "Waterworks of the City of Lathrop, Missouri", which Waterworks shall serve all land in the City of Lathrop, Missouri, and shall, at the time of any annexations or extensions of the boundaries of said City, serve such additional area.

Section 700.020. Water Rates.

[Ord. No. 775 §1(d), 8-23-1983; Ord. No. 876 §1, 6-29-1994; Ord. No. 1027 §1, 10-16-2001; Ord. No. 1140 §1, 6-19-2007; Ord. No. 1193 §§1 — 2, 9-15-2009; Ord. No. 1211 §§1 — 2, 10-19-2010; Ord. No. 1231 §§1 — 2, 8-7-2012; Ord. No. 1246 §§1 — 2, 7-16-2013]

A. The water rates shall be as follows: **[Ord. No. 1266 §§1 — 2, 8-19-2014]**

	First 1,000 gallons	**Monthly Rate for each 1,000 gallons or part thereof, beyond 1,000 gallons**	**Surcharge**
Within the City limits	$10.80	$8.55	$0.00
Outside the City limits	$12.87	$9.38	$18.00

1. **Editor's Note: Section 1 of Ord. No. 1270, adopted 9-30-2014, provided that the existing combined waterworks and sewerage system of the City of Lathrop would henceforth be operated and maintained as a separate waterworks system and as a separate sewerage system.**

The above rates reflect the charges for water usage on a monthly basis. After the first (1st) thousand (1,000) gallons any usage will be charged at the rates indicated above on a monthly basis and prorated where water consumption is in increments of less than one thousand (1,000) gallons.

B. The aforesaid amounts to be charged for water consumption do not include Missouri State sales tax, and such tax shall be computed and added thereto.

Section 700.030. (Reserved) [2]

Section 700.040. (Reserved) [3]

Section 700.050. Charge for Service Connections Outside City Limits.

[Ord. No. 775 §4, 8-23-1983; Ord. No. 900 §1, 4-9-1996; Ord. No. 1008 §2, 12-12-2000; Ord. No. 1093 §1, 11-16-2004]

A. The connection fee for each water connection to the Lathrop water system both within and outside the City limits is hereby established at twenty-five hundred dollars ($2,500.00).

B. This amount shall be reviewed and fixed by the Board of Aldermen from time to time in order to accurately reflect the charge necessary to fully reimburse the City for such installation.

Section 700.060. Charge for Coin-O-Matic.

[Ord. No. 775 §5, 8-23-1983; Ord. No. 1071 §2, 8-19-2003]

The amount to be charged for water purchased from the City of Lathrop from the coin-operated machine commonly known as the coin-o-matic shall be twenty-five cents ($.25), per eighty (80) gallons.

Section 700.070. Bill Payment Guarantees and Deposit.

[Ord. No. 775 §6, 8-23-1983; Ord. No. 1014 §1, 4-10-2001; Ord. No. 1055 §1, 10-15-2002; Ord. No. 1061 §1, 2-18-2003]

The City Clerk is authorized and directed to require each customer of the City of Lathrop Water Department, before a water service connection is made, to make a cash deposit against which the City may charge unpaid water service, meter, hydrant or valve resealing, restoration of service or meter repair bills, or other charges incurred by such customer. The cash deposit

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2. Editors Note — Ord. no. 1008 §1, adopted December 12, 2000, repealed section 700.030 in its entirety. Former section 700.030 derived from ord. no. 600 §§1 — 2, 4-9-70.

3. Editor's Note — Ord. no. 911 §1, adopted August 20, 1996, repealed section 700.040, which derived from ord. no. 775 §3, 8-23-83.

shall be one hundred dollars ($100.00) for customers who own property served with water and two hundred dollars ($200.00) for customers who rent or lease property. Pursuant to Section 250.140 RSMo., the owner of such real estate shall assume joint responsibility for utility deposits not paid in full by the occupant or user of the utility services on the owner's property. No interest shall be paid on such cash deposit. When service is discontinued, the City Clerk shall charge the deposit with any unpaid water service, meter, hydrant or valve resealing, restoration of service or meter repair bills or other charges incurred by such customer and shall refund the remainder of the deposit to the customer if the depositor or his/her representative can be found. Water deposits shall be returned to those customers who are homeowners with a record of sixty (60) consecutive months of payments without a late fee or penalty on their utility bill.

Section 700.080. Meter Reading, Billing Practices and Late Fees and Service Discontinuances.

[Ord. No. 775 §7, 8-23-1983; Ord. No. 995 §1, 6-13-2000; Ord. No. 1032 §§1 — 2, 11-20-2001; Ord. No. 1042 §1, 3-29-2002; Ord. No. 1054 §1, 10-15-2002; Ord. No. 1061 §§2 — 4, 2-18-2003]

A. Water meters serving all customers shall be read and bills for service shall be rendered monthly. Bills for water service shall be mailed to the customer as soon as possible after the meter is read. The bill shall include the following:

1. The dates of service covered by such bill;
2. The meter reading showing the amount of water used and its cost;
3. The last meter reading date;
4. The due date; and
5. The delinquent date.

B. A five percent (5%) penalty shall be applied to all water service bills remaining unpaid after the delinquent date.

C. In addition, in all cases where the water bill is not paid by 9:00 A.M. on the second (2nd) Wednesday of the month following the month of the delinquent date, the customer who has failed to pay such bill shall, in addition to the five percent (5%) late payment penalty, be charged a thirty-five dollar ($35.00) late fee by the City of Lathrop if the customer resides within the City limits of the City of Lathrop and a fifty dollar ($50.00) late fee for any customer residing outside the City limits of the City of Lathrop. If the delinquent bill and penalty are not paid by 9:00 A.M. on the second (2nd) Wednesday of the month following the delinquent date, the water service will be discontinued as soon as possible thereafter without further notice to the customer. Service will not be reconnected until the water bill, along with the penalty, late fee and any reconnection fees are paid in full. Pursuant to Section 250.140 RSMo., the owner of such real estate shall assume joint responsibility for the water/sewer/trash user fees not paid in full by the occupant or user of the utility services on the owner's property, including all penalties and late fees.

D. In all cases where the water bill is unpaid for more than sixty (60) days, the City of Lathrop may turn such unpaid water bill over to a collection service or company for collection. Any such unpaid water bill will also accrue interest at the rate of one and one-half percent (1½%) per month payable to the City of Lathrop, Missouri, and any collection charges, court costs, attorneys' fees, credit collection company fees or any other costs or fees incurred by the City of Lathrop in collecting such water bill will be added to the balance owed by the customer and shall become due and payable by such customer to the City of Lathrop, Missouri. Pursuant to Section 250.140 RSMo., the City shall have the power to sue the occupant or user or the owner, or both, of such real estate in a civil action to recover sums due for such services, plus a reasonable attorney's fee to be fixed by the court.

E. There will be a charge to the customer of twenty-five dollars ($25.00) for each check returned by the bank for insufficient funds. A bill shall be considered unpaid until the insufficient funds check has been replaced with cash or a money order of a sufficient amount to cover the original amount.

F. Pursuant to Section 250.140 RSMo., if the occupant or user receives the billing, any notice of termination of service shall be sent to both the occupant or user and the owner of the premises receiving such service, if such owner has requested in writing to receive any notice of termination and has provided the City of Lathrop water department with the owner's business addresses.

Section 700.090. Water Temporarily Unmetered.

[Ord. No. 775 §8, 8-23-1983]

In case of failure to obtain the metered measurement of water delivered to any consumer because of a temporary defect in the meter serving his/her premises or for any reason, the City Clerk may fix the cost of the unmetered water so used on the basis of the average metered amounts of water consumed on the customer's premises in the corresponding months in not more than three (3) previous years. In case there is reason to believe that water used on the premises has increased or decreased within this three (3) year period or in case the metered consumption on the premises in these three (3) prior years is not known, the bill for any one (1) month of unmetered consumption may be based on the records for the most recent three (3) months for which metered consumption is known.

Section 700.100. Notification to City of Connection.

[Ord. No. 775 §9, 8-23-1983]

A. When any employee of the City shall make a water connection to any premises he/she shall within forty-eight (48) hours thereafter, in writing, notify the City Clerk of such service giving the name and address of the person to whom said service and meter has been installed.

B. No employee of the City shall have the right to make a connection or install a water meter to any person, firm or corporation until an application has been made and

approved by the Water Superintendent. Such connection will be made only when the deposit required by Section 700.070 hereof is deposited with the City Clerk.

Section 700.110. Water Service Connections.

[Ord. No. 1006 §1, 12-12-2000; Ord. No. 1064 §1, 4-29-2003; Ord. No. 1071 §1, 8-19-2003; Ord. No. 1093 §1, 11-16-2004]

A. Before a water service connection is provided, the owner of the premises to be supplied or his/her duly authorized representative shall make application for water service as part of the building permit requirements prescribed by the Water Superintendent. Upon approval of the application and payment of the applicable charges, the Water Superintendent will install the water service corporation stop and water meter. A separate water service connection shall be required for each premises unless otherwise determined by the Water Superintendent.

B. The applicant shall secure all necessary permits prior to requesting the water service connection. The applicant shall provide twenty-four (24) hours notice to the City for installing the water service corporation stop and water meter. The charges listed in the rate schedule of the revenue manual assume only one (1) call to make the connection. Additional calls may be at the expense of the applicant at the superintendents discretion. In the event of an emergency, it may be necessary for the Water Superintendent to delay or reschedule the "making" of a water service connection.

C. The applicant shall be responsible for the water service line, meter box, casting and their proper working order and relationship to grade for a period of one (1) year following the premises final inspection.

D. The water service meter box shall be located within three (3) feet of the right-of-way line at the face of the premises, unless otherwise determined by the Water Superintendent. All water services will conform to the standards required by the City for location, size, kind, and quality of all materials entering into the water service connection. Water meters and corporation stop is furnished by the City, all other material is furnished by the applicant.

E. The water service connections from the water main to the water meter are the property of the City and under its sole jurisdiction and control and will be maintained by the Water Superintendent. All portions of the water service connection exiting the water meter coppersetter and meterbox are the responsibility of the customer and will be maintained at their expense.

F. Only City personnel shall turn water service on or off. Plumbers are not allowed to turn water on or off at the angle stop cock for any water service line except to make repairs and test their work, after which they will leave the water service off or on as they found it, unless otherwise directed by the Water Superintendent.

G. The City can refuse to provide water service thorough facilities that do not comply with the City's standards and policies pertaining to the nature and location of the water service lines or any other water facilities owned by the customer.

H. It shall be a misdemeanor for any person to tamper with or destroy any portion of the water service connections or to turn water service on or off at any location served by the City of Lathrop, Missouri, waterworks. Only City personnel shall turn water service on or off. Plumbers are, however, allowed to turn water on or off at the angle stop cock or any water service line in order to make repairs or to test their work, after which they shall leave the water service on or off as they found it. Upon conviction of any violation for tampering or destroying any part of the City's water service connection, or for turning the water on or off at any location except as provided for herein, there shall be imposed a fine of not less then fifty dollars ($50.00) nor more than five hundred dollars ($500.00).

I. The connection fee for each water connection to the Lathrop water system both within and outside the City limits is hereby established at twenty-five hundred dollars ($2,500.00).

Section 700.120. Water Leaks.

[Ord. No. 775 §10, 8-23-1983]

A. In case a water service is found to be leaking between the curb-stop or shut-off valve on public property and the meter or on the customer's side of the curb-stop or shut-off valve on unmetered services, the owner or occupant of the premises served may be required on five (5) days' notice, or in shorter time, if public safety or welfare are affected, to have the service repaired. If the repairs are not made in the time prescribed in the notice, the City may stop the loss of water by discontinuance of service. Service shall be restored in such case only after the repairs have been made and the charges for work done by the City have been assumed by the owner or occupant of the premises served, or his/her authorized agent.

B. If an owner or occupant requests that the City inspect the water meter for defects or to confirm or deny the amount charged to said person, the owner or occupant shall be charged a twenty dollar ($20.00) service charge on the next regular water bill if the meter is operating properly. If the meter is defective, or not operating properly, then no service charge shall be charged to said person.

Section 700.130. Water Service Disconnection.

[Ord. No. 775 §11, 8-23-1983]

A. The water service connection to premises may be disconnected at the main by the City without expense to the owner of the premises served under these conditions:

1. In case there is a leak from the service which is not repaired within the time specified in a notice from the City to the owner or occupant of the premises served as shown by the City records; or

2. In case the service has not been used for one (1) year except, subject to the prior reason for disconnection of the service, that the unused service periods of more than one (1) year on authority of the Superintendent of the Water Department and

subject to his/her approval on written application from the owner indicating that the service will be used again within a stated period; or

3. On written order or permission of the owner of the premises served. Service disconnected from the main under these circumstances may be reconnected solely at the expense of the owner of the premises served.

Section 700.135. Repair of Private Connections to the Lathrop Public Sanitary Sewer System.

[Ord. No. 1000 §1, 8-8-2000]

A. In any case where a breakage or leak in a private connection to the public sanitary sewer system has been discovered, the City shall notify the owner/occupant of the premises that they have five (5) days in which to repair or to begin repairs of such private sanitary sewer connection.

B. If such repairs are not made or started within such five (5) day period, the City may discontinue water service onto such location to prevent the spillage of such sewerage from the individual's private connection.

C. Any employee of this City, in the proper exercise of his/her duties, shall have access at all reasonable hours to any premises within the City, which is connected to the Lathrop public sanitary sewer system so as to inspect such system for structural integrity to make sure that surface water, ground water and/or storm water are not leaking into such private connection to the Lathrop public sanitary sewer system.

D. Should any private citizen fail to take the necessary steps to repair any break in their private sanitary sewer connection to the City's public sanitary sewer service, the City may take such steps as are necessary to have such break in the private sewer connection repaired or may take such steps as necessary to close off such private connection to the public sanitary sewer system. In the event any such repairs are made by the City, the individual owner of the premises in question shall be responsible for the payment to the City of the costs of any repair made to their private sewer service connection or conversely, shall be responsible for payment of the costs of blocking access to the public sanitary sewer system of such private sewer service connection and will not be allowed to reconnect to the Lathrop public sanitary sewer system until such a time as such costs have been paid.

Section 700.137. Penalty for Violation of Section 700.135.

[Ord. No. 1000 §1, 8-8-2000]

If any person shall violate the provisions of Section 700.135 by failing to take the necessary action to repair their private sewer service connection within the time periods provided for or by Section 700.135, such person shall be guilty of a misdemeanor and shall be punished by a fine of not less than one dollar ($1.00) nor more than one hundred dollars ($100.00), plus the costs incurred by the City for repairing their private connection to the Lathrop public sanitary

sewer system, if any, plus the costs incurred by the City in blocking access to their private connection to the Lathrop public sanitary sewer system, if any.

Section 700.140. Access to Premises Served.

[Ord. No. 775 §12, 8-23-1983]

Any employee of the City in the proper exercise of his/her duties shall have access at all reasonable hours to any premises served with water and such access shall include the right to read, remove and replace meters, to inspect, make or correct meter installations and to make such inspections or tests as are necessary to determine if Water Department rules and regulations are being violated or if water is being wasted or is being used improperly or without permit or license.

Section 700.150. Service Discontinuance.

[Ord. No. 775 §13, 8-23-1983]

A. The City may discontinue service to any water consumer for any one of the following reasons:

1. For failure to obtain a permit to do plumbing work on premises taking water service, or failure to obtain a permit from the City to repair or install a water service.

2. For any waste of or unnecessary or unlicensed use of water.

3. For unapproved cross-connection of a customer's water facilities with any other source of water supply.

4. For vacation of the property served without notice to the City.

5. For failure to provide free and non-hazardous access to the meter for reading, removal, inspection or replacement.

6. For failure to maintain an approved meter setting.

7. For failure to provide a replacement for a privately-owned water meter condemned by the City as unfit for further service, or a City water meter stolen or destroyed while in service on the consumer's premises.

8. For violation of any of the Water Department's rules and regulations.

9. For any act that would make it possible for the Water Department to be defrauded thereby.

10. For non-payment of any charges made for water service, repairs, or trash pickup, after the delinquent date shown on the last water bill mailed to the owner or occupant.

Section 700.160. Misuse of Property.

[Ord. No. 775 §14, 8-23-1983]

It shall be unlawful for any person to expose or make any attachments to water mains, hydrants or appurtenances except with the knowledge and consent of the City, and no person shall cause access to a fire hydrant to be obstructed by debris, building material or other means. No person shall cause a fire hydrant to be opened, or water discharged from same, without prior consent from the persons authorized by the City to give such consent.

ARTICLE II
Cross-Connection Control

Section 700.170. Cross-Connection Control — General Policy.

[Ord. No. 875 §I, 6-14-1994]

A. *Purpose.* The purpose of this Article is:

1. To protect the public potable water supply from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.

2. To promote the elimination, containment, isolation or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures, and industrial process systems.

3. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

B. *Application.* This Article shall apply to all premises served by the public potable water system of the City of Lathrop, Missouri.

C. *Policy.*

1. This Article will be reasonably interpreted by the Water Purveyor. It is the Water Purveyor's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

2. The Water Purveyor shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross-connections. The Water Purveyor and consumer are jointly responsible for preventing contamination of the water system.

3. If, in the judgment of the Water Purveyor or his/her authorized representative, cross-connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumer shall immediately comply by providing the required protection at his/her own expense; and failure, refusal, or inability on the part of the consumer to provide such protection shall constitute grounds for discontinuing water service to the premises until such protection has been provided.

Section 700.180. Definitions.

[Ord. No. 875 §II, (App.A), 6-14-1994]

The definitions listed in this Section shall apply in the interpretation and enforcement of this Article:

AIR-GAP SEPARATION — The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle, 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 (1) inch.

AUXILIARY WATER SUPPLY — Any water source or system, other than the public water supply, that may be available in the building or premises.

BACKFLOW — The flow other than the intended direction of flow, or any foreign liquids, gases or substances into the distribution system of a public water supply.

BACKFLOW PREVENTION ASSEMBLY — Any double-check valve or reduced pressure principle backflow preventer having resilient-seated shut-off valves on both the upstream and downstream end and the necessary test cocks as integral parts of the assembly.

CONSUMER — The owner or person in control of any premises supplied by or in any manner connected to a public water system.

CONTAINMENT — Protection of the public water supply by installing a backflow prevention assembly or air-gap separation on the main service line to a facility.

CONTAMINATION — An impairment of the quality of the water by sewage, process fluids, or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

CROSS-CONNECTION — 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 the flow of the water in the piping or distribution system.

HAZARD, DEGREE OF — An evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

1. *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.

2. *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 assembly.

3. *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.

4. *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.

INDUSTRIAL PROCESS SYSTEM — 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.

ISOLATION — Protection of a facility's internal plumbing system by installing a backflow prevention assembly, air-gap separation, or other backflow prevention device on an individual fixture, appurtenance, or system.

POLLUTION — 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 not adversely and unreasonably affect such waters for domestic use.

PUBLIC POTABLE WATER SYSTEM — 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.

SERVICE CONNECTION — The terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

WATER PURVEYOR — The owner, operator, or individual in responsible charge of a public water system.

Section 700.190. Cross-Connections Prohibited.

[Ord. No. 875 §III, 6-14-1994]

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.

Section 700.200. Survey and Investigations.

[Ord. No. 875 §IV, 6-14-1994]

A. The consumer's premises shall be open at all reasonable times to the Water Purveyor, or his/her 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/her authorized representative, the consumer shall furnish information on water use practices within his/her premises.

C. It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his/her premises to determine whether there are actual or potential cross-connections to his/her water system through which contaminants or pollutants could backflow into his/her or the public potable water system.

Section 700.210. Type of Protection Required.

[Ord. No. 875 §V, 6-14-1994]

A. The type of protection required by this Article shall depend on the degree of hazard which exists, as follow:

1. An approved air-gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.

2. An approved air-gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public potable water

system may be contaminated with a substance that could cause a system or health hazard.

3. An approved air-gap separation or an approved reduced pressure principle backflow prevention assembly 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.

Section 700.220. Where Protection Is Required.

[Ord. No. 875 §VI(App. B), 6-14-1994]

A. An approved backflow prevention assembly 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 assembly 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:

1. Premises having an auxiliary water supply, unless the quantity of the auxiliary supply is acceptable to the Water Purveyor and the Missouri Department of Natural Resources.

2. 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.

3. 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.

4. Premises having a repeated history of cross-connections being established or re-established.

5. Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.

6. 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.

7. Premises where materials of a toxic or hazardous nature are handled such that if backsiphonage or backpressure should occur, a serious health hazard may result.

C. The following types of facilities fall into one (1) or more of the categories of premises where an approved air-gap separation or reduced pressure principle backflow prevention assembly 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.

1. Aircraft and missile manufacturing plants;

2. Automotive plants including those plants which manufacture motorcycles, automobiles, trucks, recreational vehicles and construction and agricultural equipment;

3. Potable water dispensing stations which are served by a public water system;

4. Beverage bottling plants including dairies and breweries;

5. Canneries, packing houses and reduction plants;

6. Car washes;

7. Chemical, biological and radiological laboratories including those in high schools, trade schools, colleges, universities and research institutions;

8. Hospitals, clinics, medical buildings, autopsy facilities, morgues, mortuaries and other medical facilities;

9. Metal or plastic manufacturing, fabrication, cleaning, plating or processing facilities;

10. Plants manufacturing paper and paper products;

11. Plants manufacturing, refining, compounding or processing fertilizer, film, herbicides, natural or synthetic rubber, pesticides, petroleum or petroleum products, pharmaceuticals, radiological materials or any chemical which would be a contaminant to the public water system;

12. Commercial facilities that use herbicides, pesticides, fertilizers or any chemical which would be a contaminant to the public water system;

13. Plants processing, blending or refining animal, vegetable or mineral oils;

14. Commercial laundries and dye works;

15. Sewage, storm water and industrial waste treatment plants and pumping stations;

16. Waterfront facilities including piers, docks, marinas and shipyards;

17. Industrial facilities which recycle water;

18. Restricted or classified facilities or other facilities closed to the supplier of water or the department;

19. Fire sprinkler systems using any chemical additives;

20. Auxiliary water systems;

21. Irrigation systems with facilities for injection of pesticides, herbicides or other chemicals or with provisions for creating back pressure;

22. Portable tanks for transporting water taken from a public water system; and

23. Facilities which have pumped or repressurized cooling or heating systems that are served by a public water system, including all boiler systems.

Section 700.230. Backflow Prevention Assemblies.

[Ord. No. 875 §VII, 6-14-1994]

A. Any backflow prevention assembly required to protect the facilities listed in Section 700.220(C) be of a model or construction approved by the Water Purveyor and the Missouri Department of Natural Resources.

1. 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 (1) inch.

2. A double-check valve assembly or a reduced pressure principle backflow prevention assembly shall be approved by the Water Purveyor, and shall appear on the current *"list of approved backflow prevention assemblies"* established by the Missouri Department of Natural Resources.

B. Existing backflow prevention assemblies 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 Article so long as the Water Purveyor is assured that they will satisfactorily protect the water system. Whenever the existing assembly 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 assembly meeting the requirements of this Article.

Section 700.240. Installation.

[Ord. No. 875 §VIII, 6-14-1994]

A. Backflow prevention assemblies required by this Article shall 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. Backflow prevention assemblies installed on the service line to the consumer's water system shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.

C. Backflow prevention assemblies shall be located so as to be readily accessible for maintenance and testing, protected from freezing. No reduced pressure principle backflow prevention assembly shall be located where it will be submerged or subject to flooding by any fluid.

Section 700.250. Inspection and Maintenance.

[Ord. No. 875 §IX, 6-14-1994]

A. It shall be the duty of the consumer at any premises on which backflow prevention assemblies required by this Article are installed to have inspections, tests, and overhauls made in accordance with the following schedule or more often where inspections indicate a need.

1. Air-gap separations shall be inspected at the time of installation and at least every twelve (12) months thereafter.

2. Double-check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter.

3. Reduced pressure principle backflow prevention assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter.

B. Inspections, tests and overhauls of backflow prevention assemblies shall be made at the expense of the water consumer and shall be performed by a State of Missouri certified backflow prevention assembly tester.

C. Whenever backflow prevention assemblies required by this Article 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 assembly 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 assemblies shall not be bypassed, made inoperative, removed or otherwise made ineffective.

Section 700.260. Violations.

[Ord. No. 875 §X, 6-14-1994]

A. The Water Purveyor shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention assembly

required by this Article is not installed, tested and maintained in a manner acceptable to the Water Purveyor, or if it is found that the backflow prevention assembly has been removed or bypassed, or if an unprotected cross-connection exists on the premises.

B. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this Article to the satisfaction of the Water Purveyor.

ARTICLE III
Miscellaneous Provisions

Section 700.270. Lead Ban — General Policy.

[Ord. No. 865 §§1 — 4, 3-19-1993; Ord. No. 1133 §1, 2-20-2007]

A. *Purpose.* The purpose of this Section is as follows:

1. To ban the use of lead materials in the public drinking water system and private plumbing connected to the public drinking water system.

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 Section shall apply to all premises served by the public drinking water system of the City of Lathrop, Missouri.

C. *Policy.* This Section shall be reasonably interpreted by the water purveyor. It is the purveyor'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.

D. *Enforcement.* If, in the judgment of the water purveyor or his/her authorized representative, lead based materials have been used in any new construction or modification after January 1, 1989, due notice shall be given to the consumer. The consumer shall immediately comply by having the lead replaced with lead-free materials. If the lead-free materials are not removed from the plumbing system, the City of Lathrop has the right to discontinue water service to the premises.

ARTICLE IV
User Charge System

Section 700.280. Purpose.

[Ord. No. 1254, 2-18-2014]

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare, and convenience of the City of Lathrop to collect charges from all users who use the City's water system. The proceeds of such charges so derived will be used for the purpose of operating, maintaining, and retiring the debt for such public water system.

Section 700.290. Definitions; Word Usage.

[Ord. No. 1254, 2-18-2014]

A. Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

OPERATION AND MAINTENANCE — All expenditures during the useful life of the system for materials, labor, utilities, and other items which are necessary for managing and maintaining the system to achieve the capacity and performance for which the system was designed and constructed.

REPLACEMENT — Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the system to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

RESIDENTIAL USER — Any user of the City's water system whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

WATER SYSTEM — Any devices and systems for the storage, supply, transmission, and distribution of water. These include transmission and distribution lines, individual systems, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable water supply such as emergency interconnects and any works, including site acquisition of land that will be part of the supply process.

WINTER AVERAGE USE — The average of the winter quarter (December, January, February).

USEFUL LIFE — The estimated period during which system works will be operated.

USER CHARGE — That portion of the total water service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the water system.

WATER METER — A water volume measuring and recording device, furnished and/or installed by the City of Lathrop or furnished and/or installed by a user and approved by the City of Lathrop.

B. "Shall" is mandatory; "may" is permissive.

Section 700.300. Revenues.

[Ord. No. 1254, 2-18-2014]

A. The user charge system shall generate adequate annual revenues to pay the costs of annual operation and maintenance, including replacement and cost associated with debt retirement of bonded capital associated with financing the water system, which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance, including replacement of the water system, shall be established by this Article.

B. That portion of the total user charge collected which is designated for the operation and maintenance, including replacement purposes as established in Section 700.310, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two (2) primary accounts as follows:

1. The Operation and Maintenance Account shall be an account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the water system. Deposits in the Operation and Maintenance Account shall be made annually from the operation and maintenance revenue.

2. The Replacement Account shall be an account designated for the purpose of ensuring replacement needs over the useful life of the water system. Deposits in the Replacement Account shall be made annually from the replacement revenue. The Replacement Account shall be an account designated for the purpose of ensuring replacement needs over the useful life of the system. Deposits in the Replacement Account shall be made annually from the replacement revenue in the amount of sixteen thousand one hundred seventy-four dollars and ten cents ($16,174.10) annually.

C. Fiscal year-end balances in the Operation and Maintenance Account shall be carried over to the same account in each subsequent fiscal year, and shall be used for no other purpose that those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance, and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance, and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

Section 700.310. Actual Use Rate Structure.

[Ord. No. 1254, 2-18-2014]

A. Each user shall pay for the services provided by the City based on its use of the water system as determined by water meter(s) acceptable to the City.

B. All monthly user charges will be based on monthly water usage.

C. The minimum charge per month shall be ten dollars and sixty cents ($10.60) which shall include the first one thousand (1,000) gallons of water for City of Lathrop residents. In addition each user shall pay a user unit charge for operation and maintenance, including replacement, of eight dollars and thirty-five cents ($8.35) per one thousand (1,000) gallons of water over the first one thousand (1,000) gallons. The minimum charge for residents outside the City of Lathrop shall be twelve dollars and sixty-seven cents ($12.67) which shall include the first one thousand (1,000) gallons plus a monthly surcharge of eighteen dollars ($18.00). In addition each user shall pay a user unit charge for operation and maintenance of nine dollars and eighteen cents ($9.18) per one thousand (1,000) gallons of water over the first one thousand (1,000) gallons.

D. The user charge rates apply to all users of the City's system.

Section 700.320. Billing.

[Ord. No. 1254, 2-18-2014]

A. All users shall be billed monthly. Billing for each month shall be made on or near the first of each month based on a meter reading taken on or about the 15th of the preceding month. Payments are due by the end of the 15th of the following month. Any payments made after the 15th of the month shall be delinquent.

B. A late payment penalty of five percent (5%) of the user charge bill will be added to each delinquent bill for each thirty (30) days of delinquency. When any bill is not paid by 9:00 A.M. on the second Wednesday of the month following the 15th due date of the preceding month, a late fee of thirty-five dollars ($35.00) is assessed in addition to the penalty of five percent (5%), and the service is disconnected for those residents within the City limits. A late fee of fifty dollars ($50.00) is assessed in addition to the penalty of five percent (5%), and service disconnected for those residents outside the City limits. Service will not be restored until the bill is paid along with all penalties and late fees.

Section 700.330. Annual Review.

[Ord. No. 1254, 2-18-2014]

A. The City shall review the user charge system annually and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance, including replacement, and that the system continues to provide for the proportional distribution of operation and maintenance, including replacement costs among users and user classes.

B. The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation and maintenance, including replacement of the system works.

ARTICLE V
Use of Public Water System

Section 700.340. Definitions; Word Usage.

[Ord. No. 1261, 6-17-2014]

A. Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

CITY ADMINISTRATOR — The person responsible for the Water Works, who is in responsible charge of the operation and maintenance of the public water supply serving the City.

COMMUNITY WATER SYSTEM — A public water system which serves at least fifteen (15) service connections or regularly serves at least twenty-five (25) residents on a year-round basis.

CROSS-CONNECTION — Any actual or potential connection or structural arrangement between a public water system and any other source or system through which it is possible to introduce into any part of the public water system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and any other temporary or permanent devices through which or because of which backflow can or may occur are considered cross-connections.

PERSON — Any individual, firm, company, association, society, corporation, or group.

pH — The negative logarithm of the concentration of hydrogen ions in an aqueous solution.

PUBLIC WATER SYSTEM — A system for provision to the public of piped water for human consumption, if the system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) individuals daily at least sixty (60) days out of the year. The system includes any collection, treatment, storage or distribution facilities used in connection with the system. A public water system is either a community water system or a non-community water system.

SANITARY SEWER — A sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

SERVICE CONNECTION — Each individual connection of a user to a water main or pipe for the purpose of conveying water to a point of use.

SERVICE LINE — Any water line or pipe connected to a public water supply's distribution main or pipe that conveys water to a point of use. Each service line is owned and maintained by the customer at that service connection and such line being at the customer's side of the meter.

WATER DISTRIBUTION SYSTEM — All piping, conduits, valves, hydrants, storage facilities, pumps and other appurtenances, excluding service connections, which serve to deliver water from a water treatment plant or source to the public.

WATER MAIN — Any water main line or pipe which conveys water to a point of use from a water treatment plant, source, or water storage facility. Water mains are owned and maintained by the City.

WATER METER — A water volume measuring and recording device, furnished and/or installed by the City or furnished and/or installed by a user and approved by the City. Each individual service connection shall have a water meter.

WATER TREATMENT PLANT — A facility which uses specific processes such as sedimentation, coagulation, filtration, disinfection, aeration, oxidation, ion exchange, fluoridation, or other processes which serve to add components or to alter or remove contaminants from a water supply source.

B. "Shall" is mandatory; "may" is permissive.

Section 700.350. Connection to Public Water System; When.

[Ord. No. 1261, 6-17-2014]

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 one hundred (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.

Section 700.360. Privately Owned Water System.

[Ord. No. 1261, 6-17-2014]

A. Before commencement of construction of a privately owned public water system in the City's jurisdiction, the owner shall first obtain a written permit signed by the City Administrator. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the City Administrator. A permit and inspection fee of one hundred dollars ($100.00) shall be paid to the City at the time the application is filed.

B. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

C. When a public water system becomes available, customers that connect must physically disconnect from the existing private system (well), in accordance with the City's cross-connection prevention ordinance.[4] The well shall then be properly plugged in accordance with guidelines established by the Missouri Department of Natural Resources Division of Geology and Land Survey (DGLS) and outlined in state regulation 10 CSR 23 - 3.110, as amended, unless the owner wants to keep it functional for uses other than providing drinking water. A well may only be kept if it remains physically disconnected from the public water supply's distribution system, has a functional pump, is connected to an electrical service, and is pumped at least once in a twelve-month period.

D. Upon connecting to the public water system, the appropriate DNR Regional Office shall be notified, in writing, that the connection(s) have been completed.

Section 700.370. Water System Connections and Permits.

[Ord. No. 1261, 6-17-2014]

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public water system or appurtenance thereof without first obtaining a written permit from the City Administrator.

B. *Classes Of Permits.*

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4. Editor's Note: See Ch. 700, Art. II, Cross-Connection Control.

1. There shall be two (2) classes of water system connection permits:

   a. For residential and commercial service; and

   b. Industrial service.

2. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City Administrator. A permit and inspection fee of one hundred dollars ($100.00) for a residential or commercial building permit and one hundred dollars ($100.00) for an industrial permit shall be paid to the City at the time the application is filed.

C. All costs and expenses incident to the installation of the service line and connection to the public water system meter shall be borne by the property owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the water service.

D. A separate and independent service connection shall be provided for every building.

E. 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 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.

F. The applicant for a public water system connection permit shall notify the City Administrator when the service line is ready for inspection and connection to the water system. The connection shall be made under the supervision of the City Administrator or his representative.

G. All excavations for public water system improvements, replacements or repairs 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.

Section 700.380. Tampering With Facilities.

[Ord. No. 1261, 6-17-2014]

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the public water system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 700.390. Powers and Authorities of Mayor and Other Employees.

[Ord. No. 1261, 6-17-2014]

A. 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 Article.

B. While performing the necessary work on private properties referred to in Section 700.390(A), above, the Mayor or duly authorized employees of the City 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 employees, and the City shall indemnify the company 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 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.

C. 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.

Section 700.400. Violations and Penalties.

[Ord. No. 1261, 6-17-2014]

A. Any person found to be violating any provision of this Article except Section 700.380 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violation beyond the time limit provided for in Section 700.400(A) shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding five hundred dollars ($500.00) for each violation. Each twenty-four-hour period in which any such violation shall continue shall be deemed a separate offense.

C. Any person violating any of the provisions of this Article shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

Chapter 705

SEWER SYSTEMS

ARTICLE I
General Provisions

Section 705.010. Public Utility Established.

Section 705.020. Sewer Service Charge.

Section 705.030. Sewer Rates.

Section 705.035. Connection Fee Within City Limit.

Section 705.040. Toilet Facilities Required — Time Limitation to Connect With Public Sewer.

Section 705.050. Private Sewage Disposal System — When Permitted.

Section 705.055. Adoption of State Standards.

ARTICLE II
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Section 705.060. Purpose.

Section 705.070. Definitions.

Section 705.080. User Charge Accounts.

Section 705.090. Billing — Delinquent Accounts.

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Section 705.110. Tampering With System — User Responsible for Proper Use.

Section 705.120. Review of User Charge System.

ARTICLE III
Miscellaneous Provisions

Section 705.130. Distribution of the Surface Run Off or Ground Water Into the Sanitary Sewer System.

ARTICLE I
General Provisions

Section 705.010. Public Utility Established. [1]

[Ord. No. 487 §3, 8-15-1962]

There is hereby established as a public utility a General Sewer System for the City of Lathrop, Missouri, which shall be composed of all public, district and private sewers located in the City of Lathrop, Missouri, and that said General Sewer System shall at the time of any annexations or extensions of the boundaries of the City be extended to include such additional area.

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1. **Editor's Note: Section 1 of Ord. No. 1270, adopted 9-30-2014, provided that the existing combined waterworks and sewerage system of the City of Lathrop would henceforth be operated and maintained as a separate waterworks system and as a separate sewerage system.**

Section 705.020. Sewer Service Charge.

[Ord. No. 803 §§1 — 3, 3-30-1987]

A. There is hereby established a sewer service charge to all customers who reside within the City of Lathrop and whose property is connected with the City sewer system.

B. There is hereby levied a use charge against every person and corporation occupying property having a sewer connection with the sewer system of Lathrop, Missouri; a sewage charge to be used to pay the cost of operating, maintaining or enlarging the existing or future system, said service charge to be levied as set out in Section 705.030.

C. Occupants of property not having a connection with the sewerage system of Lathrop, Missouri, and not having sewers available for connection shall be exempt from the sewer service charge. The sewer service charge provided for in this Article shall be payable to the Collector of the City of Lathrop at the same time as the water bill.

Section 705.030. Sewer Rates.

[Ord. No. 876 §1, 6-29-1994; Ord. No. 1026 §1, 9-27-2001; Ord. No. 1193 §3, 9-15-2009; Ord. No. 1211 §3, 10-19-2010; Ord. No. 1255 §1, 4-15-2014]

The sewer rates shall be as follows:

	First 1,000 gallons	**Each 1,000 gallons, or part thereof, beyond 1,000 gallons**
All customers	$10.00	$3.00

Section 705.035. Connection Fee Within City Limit.

[Ord. No. 1064 §2, 4-29-2003]

The connection fee for each sewer hookup within the City limits of Lathrop, Missouri, is hereby established at five hundred dollars ($500.00).

Section 705.040. Toilet Facilities Required — Time Limitation to Connect With Public Sewer.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his/her expense to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of a property line.

Section 705.050. Private Sewage Disposal System — When Permitted.

[Ord. No. 930 §1, 4-14-1998]

Where a public sanitary or combined sewer is not available the building sewer shall be connected to a private on-site sewage disposal system complying with the provisions of this Chapter.

Section 705.055. Adoption of State Standards.

[Ord. No. 930 §2, 4-14-1998]

The City of Lathrop hereby adopts the State standard for on-site sewage disposal systems as such standards are set forth in Chapter 701 of the Revised Statutes of the State of Missouri. In addition, the City hereby adopts such rules and regulations as such are adopted by the State to carry out the provisions of Chapter 701 of the Revised Statutes of the State of Missouri.

ARTICLE II
User Charge System [2]

Section 705.060. Purpose.

[Ord. No. 836 Art. I, 2-7-1989]

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect rates, fees and charges for the use of and services provided by the System. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the System; paying the principal of and interest on all revenue bonds or other obligations of the City now outstanding or hereinafter issued or incurred (*"Revenue Bonds"*, as hereinafter defined) that are payable solely from the revenues of the System (the *"System Revenues"*, as hereinafter defined); and providing funds sufficient to meet the requirements of the ordinances of the City authorizing the issuance of the Revenue Bonds (the *"Bond Ordinances"*, as hereinafter defined), including replacement of the System.

Section 705.070. Definitions.

[Ord. No. 836 Art. II, 2-7-1989]

Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

"BOD" (denoting Biochemical Oxygen Demand) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20°C), expressed in milligrams per liter (mg/l).

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2. **Cross Reference — As to methodology used in calculating user charge rates and surcharges, see Appendix A, on file in the City offices; as to replacement schedule, see Appendix B, on file in the City offices.**

BOND ORDINANCES — The ordinances duly adopted by the Governing Body of the City which authorize the issuance of Revenue Bonds.

NON-RESIDENTIAL CONTRIBUTOR — Any contributor to or user of the System whose lot, parcel of real estate or building is served by a water meter larger than three-quarter (¾) inch.

NORMAL DOMESTIC WASTEWATER — Wastewater that has a BOD concentration of not more than 240 mg/l and a suspended solids concentration of not more than 240 mg/l.

OPERATION AND MAINTENANCE — All expenditures during the useful life of the System for materials, labor, utilities, and other items which are necessary for managing and maintaining the System to achieve the capacity and performance for which the System was designed and constructed; provided however, that the terms *"Operation and Maintenance"* shall also have the meaning given to them by the Bond Ordinances, and in the event of any conflict in the meaning hereinabove prescribed and the terms of the Bond Ordinances, the Bond Ordinances shall govern.

REPLACEMENT — Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the System to maintain the capacity and performance for which the System was designed and constructed; provided however, that the term *"Replacement"* shall also have the meaning given to it by the Bond Ordinances, and in the event of any conflict in the meaning hereinabove prescribed and the terms of the Bond Ordinances, the Bond Ordinances shall govern.

RESIDENTIAL CONTRIBUTOR — Any contributor to or user of the System whose lot, parcel of real estate, or building is served by a three-quarter (¾) inch water meter or less.

REVENUE BONDS — All bonds or other obligations of the City now outstanding or hereinafter issued which are payable solely from System Revenues.

SHALL — Is mandatory; *MAY:* Is permissive.

SS (denoting Suspended Solids) — 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.

SYSTEM — The sewerage system of the City, consisting of all properties and assets, real and personal and tangible and intangible, of the City, now or hereafter existing, which are held or used for the purpose of collecting and treating sewerage, including, but not limited to, the City's Treatment Facilities and all collection lines and equipment connected therewith.

SYSTEM REVENUES — All income and revenues derived by the City from the operation of the system.

TREATMENT FACILITIES — That part of the System consisting of any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an

integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems, before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

USEFUL LIFE — The estimated period during which the Treatment Facilities will be operated.

USER CHARGE — That portion of the total System Revenues which is levied and collected in a proportional and adequate manner to pay the cost of Operation and Maintenance, to pay the principal of and interest on the Revenue Bonds and to meet all requirements of the Bond Ordinances, including the cost of Replacement.

WATER METER — A water volume measuring and recording device, furnished and/or installed by the City of Lathrop or furnished and/or installed by a user and approved by the City of Lathrop.

Section 705.080. User Charge Accounts.

[Ord. No. 836 Art. III, 2-7-1989]

A. Unless otherwise provided by the Bond Ordinances, the User Charges shall be collected and disbursed as provided by this Section.

B. The User Charge System shall generate adequate annual System Revenues to pay costs of Operation and Maintenance, to pay principal of and interest on the Revenue Bonds, and to provide funds to meet the requirements of the Bond Ordinances, including Replacement, which the City may by Article designate or have designated to be paid by the User Charge System.

C. That portion of the total User Charge collected which is to be for Operation and Maintenance and, after meeting the requirements of the Bond Ordinances, for Replacement shall be deposited in two (2) separate non-lapsing funds and accounts as follows:

   1. An account designated for the specific purpose of defraying Operation and Maintenance costs (excluding replacement) of the System (Operation and Maintenance Account).

   2. After making the deposits required by the Bond Ordinances, in an account designated for the specific purpose of ensuring replacement needs over the useful life of the System (Replacement Account) deposits in the Replacement Account shall be made monthly in the amount of four hundred twenty-eight dollars fifty cents ($428.50) each month.

D. Fiscal year-end balances in the Operation and Maintenance Account and the Replacement Account shall be carried over to the same accounts in the subsequent fiscal year and shall be used for no other purpose than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the Operations

and Maintenance Account and the Replacement Account shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation and maintenance and for replacement. The user charge rates shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

Section 705.090. Billing — Delinquent Accounts.

[Ord. No. 836 Art. VI, 2-7-1989]

A. All users will be billed monthly with their water bill, and delinquency will be in accordance with the policy established for non-payment of water bills. In accordance with established City policy, non-payment may result in the termination of water and sewer service until such bill is paid.

B. It shall be the duty of the City Clerk to notify the Board of Aldermen of all such delinquent accounts, and said Board of Aldermen shall proceed immediately to cause sewer service to each customer to be discontinued.

Section 705.100. Application for Sewerage Services.

[Ord. No. 836 Art. VII, 2-7-1989]

Application for sewerage services shall be made to the City Clerk by the owner or occupant of the property to be served. Upon approval of such application, the applicant shall have the right to connect with sewerage collection facilities. The Board of Aldermen may prescribe a connection fee to be paid by such applicant at the time of application. The City shall have the right to inspect all such connections and to reject such connections due to poor workmanship or inadequate materials.

Section 705.110. Tampering With System — User Responsible for Proper Use.

[Ord. No. 836 Art. VIII, 2-7-1989]

A. It shall be a misdemeanor for any person to tamper with or destroy any portion of the System or to make any connection without written permission from the City Clerk, or to reconnect service when service has been disconnected for non-payment of bill. Upon conviction, there shall be imposed a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00).

B. The user of each premises receiving sewer service shall be held responsible for the proper use of the System. Plumbing facilities that are to be connected to the sewerage system shall be installed in accordance with the Uniform Plumbing Code as adopted in Section 500.020 of this Code, and shall be inspected for compliance by a designated representative of the City before any connection is made. No grease, petroleum products, milk, whey, paints, acids, chemicals, metals, animal wastes, food products, or other materials detrimental to the Treatment Facilities and process shall be discharged into the System.

Section 705.120. Review of User Charge System.

[Ord. No. 836 Art. IX, 2-7-1989]

A. The City will review the User Charge System each year and revise user charge rates as necessary to ensure that the System generates adequate revenues to pay the costs of Operation and Maintenance, to pay principal of and interest on the Revenue Bonds, and to provide funds to meet the requirements of the Bond Ordinances, including Replacement, and that the system continues to provide for the proportional distribution of operation and maintenance and replacement costs among users and user classes.

B. The City will notify each user at least annually, in conjunction with a regular bill, of the rate(s) being charged for water service and for sewerage service.

ARTICLE III
Miscellaneous Provisions

Section 705.130. Distribution of the Surface Run Off or Ground Water Into the Sanitary Sewer System.

[Ord. No. 955 §§1 — 10, 2-9-1999]

A. *Definitions.* Unless the context specifically indicates otherwise the meanings of the terms used in this Section shall be as follows:

SANITARY SEWER — A sewer which carries sewage to and to which storm surface and ground water are not intentionally admitted.

SEWAGE — A combination of the water carried waste from residences, business buildings, institutions and industrial establishments together with such ground surface and storm waters as may be present.

SEWER — A pipe or conduit for carrying sewage.

STORM DRAIN (sometimes term STORM SEWER) — A sewer which carries storm and surface water and drainage, but excludes sewage and industrial waste.

B. *Surface Water And Ground Water Prohibited From Draining Into Sanitary Sewer.* No person shall make connection of roof down spouts, exterior fountain drains, area way drains, sump pumps, or other sources of surface run off or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

C. *Waters Prohibited From Being Discharged Into Sanitary Sewer.* No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run off, sub-surface drainage, including interior and exterior foundation drains, to any sanitary sewer.

D. *Discharge Into Storm Sewers.* Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the superintendent.

E. *Powers And Authority Of Inspectors*. The superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspecting such properties for compliance with the provisions of this Section.

F. *Liability For Damage To System*. Any person violating any of the provisions of this Section shall be liable to the City for any expense, loss, or damage occasioned to the City by reason of such violation.

G. *Duty Of Inspector*. It shall be the duty of any inspector to note any violation of any of the provisions of this Section to serve a notice upon the owner and/or occupant of any premises upon which this violation is noted specifying the exact violation and demanding abatement or correction to the premises to bring it into compliance with this Section within sixty (60) days of the date of the notice.

H. Any property owner in the City of Lathrop may also have his property inspected by a licensed master plumber who can then certify that the property owned by such Lathrop resident is in compliance with this Section. If such certification is received from such licensed master plumber by the City then the City inspector need not inspect the property in question.

I. *Proof Of Compliance*. Any property owner in the City of Lathrop not wanting their property inspected by the City inspectors can provide a certification from any master licensed plumber certifying that such plumber has personally inspected the property in question and that such property is not in violation of this Section.

J. Any property owner who shall fail to comply with any notice or order to repair or to take the necessary action to bring their property into compliance with this Section given by any inspector authorized by this Section to give such notice shall be guilty of an offense. The owner of such property shall be guilty of a misdemeanor and may be fined an amount not to exceed five hundred dollars ($500.00).

Chapter 710

SOLID WASTE COLLECTION FRANCHISE TAX

Section 710.010. Annual Franchise Tax.

Section 710.010. Annual Franchise Tax.

[Ord. No. 733 §1, 12-6-1978]

On October first (1st) of each year there shall be an annual franchise tax of one thousand dollars ($1,000.00) per year on the providing of services of solid waste collection within the City of Lathrop; provided however, that said franchise tax shall be pro-rated in the amount of seven hundred fifty dollars ($750.00) from January 1, 1979 to September 30, 1979 and shall be in the amount of one thousand dollars ($1,000.00) per year for each year thereafter commencing on October 1, 1979; provided further, that payment of said franchise tax to the City of Lathrop may be pro-rated on a monthly basis.

Chapter CR

CROSS REFERENCE

Section CR.010. Cross Reference Table.

Section CR.010. Cross Reference Table.

Ordinance Number	Date or Disposition	Section of Ordinance	Section this Code
235	Superseded		
336	Repealed/350		
346	Repealed/444		
348	Repealed/437		
350	Repealed/436		
352	Superseded		
353	3-5-1947	1	115.040
353A	5-7-1947	2	210.070
393	Repealed/628		
398	7-2-1952	102	400.520
402	12-2-1953	1 — 2	515.180
4051/2	12-2-1953	1	380.010
409	Superseded/775		
429	10-1-1958	2 — 11	115.020 — 115.030
432	Superseded		
435	Superseded/775		
436	12-15-1958	9	Sch. V, Tbl. V-B
		13	Sch. II
437	Repealed/838		
444	3-24-1959	7	110.090
		8	110.250
		10	110.160
445	3-24-1959	1 — 2	110.010 — 110.030
446	Superseded		
451	Superseded		
452	Superseded/636		
453	8-5-1959	1 — 2	Sch. II
455	Superseded/525		

Ordinance Number	Date or Disposition	Section of Ordinance	Section this Code
458	10-14-1959	1 — 4	615.010 — 615.040
476	Superseded/775		
477	Superseded/772		
478	N.G.A.		
487	8-15-1962	2	700.010
		3	705.010
502	11-6-1963	1 — 2	140.010 — 140.020
518	Superseded		
520	Superseded/636		
525	6-2-1965	Art. 1 — 2	400.010
		3-1 — 3-39	400.020
		4-1 — 4-5	400.030 — 400.050
		5.1-1 — 5.1-3	400.060 — 400.080
		5.1-5 — 5.1-6	400.100 — 400.110
		5.2-1 — 5.2-6	400.120 — 400.170
		5.3-1 — 5.3-10	400.180
		6-1 — 6-6	400.190 — 400.240
		7-1 — 7-6	400.250 — 400.300
		8-1 — 8-4	400.320 — 400.350
		9	400.360
		10-1	400.370
		10-3 — 10-4	400.390 — 400.400
		11-1 — 11-3	400.410 — 400.430
		12-1 — 12-3	400.440 — 400.460
		13-1	400.470
		13-3	400.490
		14-1 — 14-2	400.500 — 400.510
		15-1 — 15-5	400.520 — 400.560
		16-1 — 16-3	400.570 — 400.590
		16-5	400.610
		17-1 — 17-3	400.620 — 400.640
		20-1	400.670
526	6-2-1965	Art. 1 § 1	405.010
		Art. 2 § 1 — 2	405.020 — 405.030
		Art. 3 § 1 — 18	405.040 — 405.210
		Art. 4 § 1	405.220 — 405.230
		Art. 4 § 3 — 4	405.250 — 405.260

Ordinance Number	Date or Disposition	Section of Ordinance	Section this Code
		Art. 5 § 1 — 2	405.270
		Art. 6 § 1 — 2	405.280
		Art. 7 § 1	405.290
		Art. 8 § 1	405.300
		Art. 9 § 1	405.310
527	Superseded/793		
531	Superseded		
534	Superseded		
535	Superseded		
537	4-20-1966	1 — 8	515.100 — 515.170
542	Superseded/813		
544	Superseded/699		
546	Superseded/887		
553	Superseded/699		
561	Superseded		
563	3-1-1967	2	Sch. IV
571	Superseded/775		
572	Superseded/803		
577	5-20-1968	1 — 21	205.010 — 205.210
585	10-2-1968	1	400.090
588	Superseded/792		
589	11-20-1968	1	305.100
600	4-9-1970	1 — 2	700.030
608	Superseded/735		
609	Superseded		
610	Repealed/699		
616	3-24-1971	1	Sch. IV
618	4-5-1971	1 — 4	Sch. V, Tbl V-B
		5	Sch. VIII
620	N.G.A.		
622	5-24-1971	2	400.380
626	7-26-1971	1 — 9	225.010 — 225.090
628	9-22-1971	2	600.020
		5	600.050
		7 — 9	600.080 — 600.100
		12	600.130
		14 — 16	600.140 — 600.160

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		17a	600.180
		18	600.030
		19 — 20	600.190 — 600.200
632	10-20-1971	1,3	600.220
636	6-21-1972	1 — 10	605.010 — 605.100
		13	605.110
637	Repealed/658		
638	6-21-1972	1	210.060
643	9-6-1972	2	405.240
649	1-18-1973	1 — 2	400.310
653	1-26-1973	2	400.480
658	Superseded/731		
662	Superseded		
665	Superseded/775		
666	Superseded/803		
669	11-7-1973	1 — 3	105.020
677	Superseded/794		
695	Superseded/704		
697a	2-4-1976	1 — 4	410.010
699	3-3-1976	2	Sch. I, Tbl. I-B
		3 — 4	Sch. V, Tbl. V-A
		4	Sch. V, Tbl. V-B
701	Superseded/798		
703	7-7-1976	1 — 2	410.040
		3	410.030
		4	410.020
704	7-7-1976	3	210.140
709	Superseded		
715	Superseded/725		
717	N.G.A.		
718	2-8-1978	76.950	375.010
		76.970 — 76.1000	375.030 — 375.040
		76.1040	340.180
719	3-8-1978	75.130	210.360
		75.200	210.360
		75.210	210.280

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		75.220	210.050
		75.230	210.350
		75.240	210.290
720	3-8-1978	76.1090	340.240
725	7-1-1978	1 — 6	120.010 — 120.060
726	Repealed/755		
731	Superseded		
733	12-6-1978	1	710.010
735	Superseded/895		
736	3-7-1979	1 — 2	Sch. II
737	Superseded/895		
739	10-6-1979	1	145.020
745	7-11-1980	1	230.010
746	Superseded/828		
747	7-11-1980	1 — 9	610.010 — 610.090
749	Superseded		
751	12-6-1980	1 — 5	110.040 — 110.080
		6	110.100
		8 — 11	110.120 — 110.150
		12 — 17	110.170 — 110.220
755	N.G.A.		
763	Superseded/828		
768	Superseded		
771	Superseded/775		
772	6-1-1983	1 — 9	515.010 — 515.090
774	N.G.A.		
775	8-23-1983	1(d)	700.020
		3 — 9	700.040 — 700.100
		10 — 14	700.120 — 700.160
782	10-10-1984	1	Sch. V, Tbl. V-B
784	Superseded		
788	Superseded/791		
789	10-28-1985	1 — 4	515.190 — 515.220
791	3-4-1986	1	Sch. VII
		2	Sch. VI
792	3-4-1986	1	300.010 — 300.020, Title III

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		2	360.005
		3	300.030
793	Superseded		
794	5-6-1986	1 — 8	220.010 — 220.080
796	8-12-1986	1 — 9	200.050 — 200.130
797	9-9-1986	1	615.020
798	10-7-1986	1	145.010
799	11-11-1986	3 — 6	505.020 — 505.050
		8	505.060
800	11-11-1986	1 — 4	500.030
803	3-30-1987	1 — 3	705.020
811	7-7-1987	1	Sch. II
			Sch. III
812	N.G.A.		
813	7-7-1987	1 — 12	215.070 — 215.180
816	8-8-1987	1 — 2	205.220 — 205.230
817	Superseded		
818	9-8-1987	1	Sch. II
828	5-10-1988	1 — 18	130.010 — 130.180
831	Superseded/850		
836	2-7-1989	Art. I — III	705.060 — 705.080
		Art. VI — IX	705.090 — 705.120
838	Repealed/855		
841	8-17-1989	1	Sch. II
850	Superseded		
851	1-8-1991	1 — 3	210.110
852	5-15-1991	1	110.040
854	Superseded		
855	11-12-1991	1	370.010
856	Repealed/858		
858	3-10-1992	2 — 7	340.160
860	Repealed/887		
861	6-9-1992	2	Sch. IV
863	11-24-1992	1 — 9	350.100
865	3-19-1993	1 — 4	700.270
866	4-7-1993	1	Sch. II
867	Superseded/876		

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868	Repealed/889			
869	6-16-1993	1		600.210
870	8-5-1993	1 — 4		Ch. 220 (cross ref)
872	12-14-1993	1		Sch. V, Tbl. V-A
875	6-14-1994	I — X		700.170 — 700.260
876	6-29-1994	1		705.030
883	1-10-1995	1 — 2		135.220
887	7-11-1995	2		215.010 — 215.060
888	Superseded/889			
889	7-11-1995	2 — 16		150.010 — 150.150
890	N.G.A.			
891	N.G.A.			
892	N.G.A.			
893	11-14-1995	1 — 5		210.150 — 210.190
894	N.G.A.			
895	12-12-1995	1 — 5		135.010 — 135.050
		6		135.080
		7		135.220
		8 — 9		135.210
		10 — 11		135.060 — 135.070
896	N.G.A.			
899	3-26-1996	1		600.140
900	4-9-1996	1		700.050
Supp. #1, 4/97				
901	4-9-1996	1		145.010
902	N.G.A.			
903	N.G.A.			
904	N.G.A.			
905	Rescinded			
906	6-11-1996	1 — 10		Adopting Ord.
907	N.G.A.			
908	N.G.A.			
909	N.G.A.			
910	N.G.A.			
911	8-20-1996	1	Rpld	700.040
		2	Amd'd	500.040(D)
912	N.G.A.			

Ordinance Number	Date or Disposition	Section of Ordinance	Section this Code
913	N.G.A.		
914	N.G.A.		
915	11-12-1996	1	400.100
916	N.G.A.		
917	12-10-1996	1	110.040(A)
918	N.G.A.		
919	4-8-1997	1	Ch. 410
920	4-8-1997	1 — 2	515.010 — 515.090
Supp. #2, 3/98			
921	5-13-1997	1 — 2	220.100
922	N.G.A.		
923	N.G.A.		
924	N.G.A.		
925	N.G.A.		
926	N.G.A.		
927	12-9-1997	1	Sch. VII
		2	Sch. I
		2 — 3	Sch. II
928	1-13-1998	1	Ch. 410
Supp. #3, 6/98			
929	3-10-1998	1	150.050
930	4-14-1998	1	705.050
		2	705.055
931	N.G.A.		
932	5-12-1998	1	230.010
933	5-12-1998	1	320.010, Sch. IV
934	5-12-1998	1	210.095
935	N.G.A.		
936	5-12-1998	1	410.040, 410.070, 410.120, 410.140, 410.160, 410.170
937	N.G.A.		
Supp. #4, 10/98			
938	N.G.A.		
939	6-9-1998	1	205.050
		2	205.100
		3	205.180

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940	6-9-1998	1	220.095
941	6-9-1998	1 — 5	125.010 — 125.050
942	N.G.A.		
943	N.G.A.		
944	8-11-1998	1	400.030
		2	400.360
		3	400.690
945	N.G.A.		
946	8-11-1998	1	Sch. II
947	8-11-1998	1 — 2	200.140
948	8-22-1998	1	145.030
949	N.G.A.		
Supp. #5, 7/99			
948	8-22-1998	1	145.040
949	N.G.A.		
950	N.G.A.		
951	11-10-1998	na	340.260
952	N.G.A.		
953	N.G.A.		
954	2-9-1999	1	145.020
955	2-9-1999	1 — 10	705.130
956	N.G.A.		
957	N.G.A.		
958	N.G.A.		
959	3-9-1999	1 — 9	115.050 — 115.130
960	N.G.A.		
961	N.G.A.		
962	N.G.A.		
963	N.G.A.		
964	5-11-1999	1	Sch. V, Tbl. V-A
965	N.G.A.		
966	N.G.A.		
967	N.G.A.		
968	N.G.A.		
969	N.G.A.		
970	6-22-1999	1	210.060
971	N.G.A.		

Ordinance Number	Date or Disposition	Section of Ordinance	Section this Code
Supp. #6, 4/00			
972	8-9-1999	1 — 3	120.005
			Ch. 400, Arts. XI, XII
973	N.G.A.		
974	N.G.A.		
975	9-14-1999	1	110.040(A)
976	N.G.A.		
977	9-14-1999	1	400.550
978	9-14-1999	1	220.100
979	N.G.A.		
980	N.G.A.		
981	N.G.A.		
982	N.G.A.		
983	N.G.A.		
984	N.G.A.		
985	N.G.A.		
986	11-9-1999	1	150.010
987	12-14-1999	1	Sch. IV
988	12-14-1999	1	340.270
989	1-11-2000	1	115.080
990	2-8-2000	1	350.060
991	N.G.A.		
Supp. #7, 2/01			
992	N.G.A.		
993	6-13-2000	1 — 2	Sch. IV
994	6-13-2000	1	205.210
995	6-13-2000	1	700.080
996	N.G.A.		
997	N.G.A.		
998	N.G.A.		
999	N.G.A.		
1000	8-8-2000	1	700.135, 700.137
1001	8-8-2000	1	125.010 — 125.050
1002	N.G.A.		
1003	10-17-2000	1	220.010
		2	220.030

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		3		220.050
		4		220.060(B)
		5		220.100
1004	N.G.A.			
1005	N.G.A.			
1006	12-12-2000	1		700.110(H)
1007	N.G.A.			
1008	12-12-2000	1	Rpld	700.030
		2		700.050(A)
1009	N.G.A.			
1010	1-9-2001	1		500.040(A — C)
Supp. #8, 1/02				
1011	1-9-2001	1		515.180, 515.210
1012	2-13-2001	1		130.050(A)
		2		130.110(C)(4)
1013	N.G.A.			
1014	4-10-2001	1		700.070
1015	N.G.A.			
1016	5-8-2001	1		400.410
1017	N.G.A.			
1018	N.G.A.			
1019	6-12-2001	1		515.070
1020	N.G.A.			
1021	6-12-2001	1		405.120
		2		240.010 — 240.050
1022	N.G.A.			
1023	8-14-2001	1		370.010
1024	8-14-2001	1		340.210(A)
		2		135.220(7 — 8)
1025	N.G.A.			
1026	9-27-2001	1		705.030
1027	10-16-2001	1		700.020
1028	11-20-2001	1		400.350(6 — 8)
1029	11-20-2001	1		405.193, 405.196
		2		400.550
		3		400.055
1030	N.G.A.			

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1031	N.G.A.			
1032	11-20-2001	1 — 2		700.080
1033	N.G.A.			
1034	N.G.A.			
1035	12-6-2001	1		150.050
1036	12-18-2001	1		215.180
1037	1-15-2002	1		400.055
1038	1-15-2002	1		110.040
Supp. #9, 2/03				
1039	1-22-2002	1 — 2		220.090
1040	3-19-2002	1		400.090
1041	N.G.A.			
1042	3-29-2002	1		700.080(C)
1043	N.G.A.			
1044	N.G.A.			
1045	N.G.A.			
1046	N.G.A.			
1047	N.G.A.			
1048	N.G.A.			
1049	8-20-2002	1		125.010 — 125.050
1050	9-17-2002	na		500.010
1051	9-17-2002	na		500.040
1052	N.G.A.			
1053	N.G.A.			
1054	10-15-2002	1		700.080(E)
1055	10-15-2002	1		700.070
1056	11-19-2002	1		Sch. I, Sch. II
1057	N.G.A.			
1058	N.G.A.			
1059	N.G.A.			
1060	N.G.A.			
1061	2-18-2003	1		700.070
		2 — 4		700.080(C — F)
1062	2-18-2003	1 — 27	Rpld	205.010 — 205.230
			Added	205.010 — 205.270
Supp. #10, 2/04				
1064	4-29-2003	1		700.110(I)

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		2	705.035
1065	N.G.A.		
1066	N.G.A.		
1067	N.G.A.		
1068	N.G.A.		
1069	N.G.A.		
1070	8-19-2003	1	515.210(4, 6 — 7)
1071	8-19-2003	1	700.110(I)
		2	700.060
1072	N.G.A.		
1073	N.G.A.		
1074	N.G.A.		
1075	N.G.A.		
1076	2-17-2004	1	600.210
1077	N.G.A.		
Supp. #11, 11/04			
1078	3-16-2004	1	210.300(D)
1079	N.G.A.		
1080	5-18-2004	1	205.010
		2	205.170(A)
1081	N.G.A.		
1082	N.G.A.		
1083	6-15-2004	1	400.550
1084	N.G.A.		
1085	N.G.A.		
1086	8-17-2004	1	125.010 — 125.050
1087	N.G.A.		
1088	N.G.A.		
1089	9-2-2004	1	600.030(E)
1090	N.G.A.		
1091	N.G.A.		
1092	10-19-2004	1	Sch. V, Tbl. V-B
1093	11-16-2004	1	700.050(A), 700.110(I)
Supp. #12, 5/05			
1094	N.G.A.		
1095	N.G.A.		

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1096	N.G.A.		
1097	N.G.A.		
1098	3-15-2005	1 — 15	400.700 — 700.840
1099	N.G.A.		
1100	N.G.A.		
1101	N.G.A.		
1102	N.G.A.		
1103	N.G.A.		
1104	N.G.A.		
Supp. #13, 3/06			
1105	N.G.A.		
1106	N.G.A.		
1107	7-19-2005	1	300.020, 310.040, 310.045
1108	7-19-2005	1	210.370
		2	210.150
1109	N.G.A.		
1110	N.G.A.		
1111	N.G.A.		
1112	N.G.A.		
1113	N.G.A.		
1114	N.G.A.		
1115	N.G.A.		
Supp. #14, 8/06			
1116	N.G.A.		
1117	N.G.A.		
1118	N.G.A.		
1119	Not codified*		
1120	Not codified*		
1121	N.G.A.		
1122	N.G.A.		
1123	8-15-2006	1	125.010 — 125.050
1124	N.G.A.		
1125	8-15-2006	1 — 3	500.010
1126	N.G.A.		
Supp. #15, 5/07			

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1127	10-17-2006	1	515.010 — 515.020, 515.080
1128	N.G.A.		
1129	10-17-2006	1	145.010
1130	N.G.A.		
1131	11-21-2006	1 — 3	210.380
1132	N.G.A.		
1133	2-20-2007	1	700.270
1134	2-20-2007	1	600.030(F)
1135	2-20-2007	1	340.200(C)
1136	N.G.A.		
1137	Election Ord.		Hold for results
Supp. #16, 8/07			
1137	N.G.A.		
1138	N.G.A.		
1139	N.G.A.		
1140	6-19-2007	1	700.020(A)
1141	7-17-2007	1	600.030(C)(E)
1142	7-25-2007	1	600.150
1143	N.G.A.		
1144	N.G.A.		
1145	N.G.A.		
Supp. #17, 1/08			
1146	9-18-2007	1	300.020
		2	340.110
1147	N.G.A.		
1148	10-16-2007	1	Sch. IV
1049	N.G.A.		
1150	N.G.A.		
1151	11-20-2007	1	210.355
1152	Pending Election		
1153	N.G.A.		
1154	N.G.A.		
1155	N.G.A.		
1156	N.G.A.		
Supp. #18, 9/08			
1157	N.G.A.		

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1158	4-15-2008	1		600.220(B)
1159	4-22-2008	1		Sch. IV
1160	5-20-2008	1		605.120
1161	N.G.A.			
1162	N.G.A.			
1163	8-18-2008	1		125.010 — 125.050
1164	8-18-2008			145.040
1165	N.G.A.			
1166	9-16-2008	na		130.190
1167	9-16-2008	1		Schs. I — II
1168	9-16-2008	1		340.110(D)(6)
1169	9-16-2008	na		210.275
1170	9-16-2008	1		375.130(B)
1171	N.G.A.			
1172	9-16-2008	1		150.010 — 150.170
Supp. #19, 3/09				
1173	10-7-2008	1		200.010
		2		200.020
		3		200.050
		4		200.080(A)
1174	10-21-2008	1		Sch. VII
		2	Rpld	Sch. VIII
		3		Sch. V, Tbl. V-B
1175	10-21-2008	1		340.110(D)(6)
1176	N.G.A.			
1177	N.G.A.			
1178	12-16-2008	1		145.040
1179	12-16-2008	1 — 2		130.110(A — B)
1180	2-24-2009	1		110.040
				110.060
				110.120
				110.200
				110.210
		2		115.020
				115.030(C)
				115.040
		3		130.010

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			130.020
			130.030(A — C, E)
			130.040
			130.090
			130.110(C)(3)
			130.130
			130.140
			130.170
		4	135.020
			135.030
			135.080
			135.210(A)
			135.220(3)
		5	140.010
			140.020
			300.015
1181	3-17-2009	1	210.080
1182	3-17-2009	1	210.102 — 210.107
Supp. #20, 9/09			
1186	N.G.A.		
1187	N.G.A.		
1188	N.G.A.		
1189	8-7-2009	1 — 2	135.100
1190	8-7-2009	1	340.110
1191	N.G.A.		
1192	N.G.A.		
1193	9-15-2009	1 — 2	700.020(A)
		3	705.030
		4	220.090
Supp. #21, 6/10			
1194	N.G.A.		
1195	N.G.A.		
1196	N.G.A.		
1197	N.G.A.		
1198	4-26-2010	na	Note @ Ch. 235
1199	N.G.A.		
1200	5-28-2010	1	615.050

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1201	N.G.A.		
1202	N.G.A.		
Supp. #22, 10/10			
1183	5-19-2009	1	110.200(B)
		2(a)	115.030(C)
		2(b)	115.110(C)
		3(a)	130.010
		3(b)	130.140
		3(c)	130.170
		4	135.030
		5(a)	200.020
		5(b)	200.050
		5(c)	200.080(A)
1184	N.G.A.		
1185	N.G.A.		
1204	N.G.A.		
1205	N.G.A.		
1206	8-17-2010	1 — 2	150.070
		3	150.050(C)(2)(b)(7)
1207	8-17-2010	1	125.010 — 125.050
1208	N.G.A.		
1209	8-17-2010	1	Sch. IV
1210	N.G.A.		
1211	10-19-2010	1 — 2	700.020(A)
		3	705.030
1212	N.G.A.		
Supp. #23, 8/11			
1213 (Rev. Supp 26)	11-2-2010	1 — 2	600.140 — 600.145
1214	N.G.A.		
1215	N.G.A.		
1216	4-6-2011	1	410.010 — 410.280
1217	N.G.A.		
1218	5-17-2011	1	110.200
		2(a)	110.200
		2(b,c)	115.100(C,F)
		3(a)	130.010

Ordinance Number	Date or Disposition	Section of Ordinance	Section this Code
		3(b)	130.140
		3(c)	130.170
		4	135.030
		5(a)	200.020
		5(b,c)	200.050
		5(d)	200.080(A)
1219	N.G.A.		
1220	N.G.A.		
1221	N.G.A.		
Supp. #24, 6/12			
1222	9-20-2011	1	615.025
1223	N.G.A.		
1224	N.G.A.		
1225	N.G.A.		
1226	N.G.A.		
1227	N.G.A.		
1228	5-15-2012	1	600.030(E)
		2	600.050
		3	600.150
1229	N.G.A.		
Supp. #25, 1/13			
1230	7-23-2012	1	200.010
1231	8-7-2012	1 — 2	700.020(A)
1232	8-21-2012	1	125.010 — 125.050
1233	N.G.A.		
1234	9-13-2012	1	340.110(I)
1235	10-23-2012	1	205.035
1236	N.G.A.		
1237	N.G.A.		
Supp. #26, 8/13			
1238	2-25-2013	1	615.025
1239	N.G.A.		
1240	5-21-2013	1	215.030(1)
		2	215.100
		3	215.110
1242	6-18-2013	1	Sch. V, Tbl. V-A
1243	N.G.A.		

Ordinance Number	Date or Disposition	Section of Ordinance	Section this Code
1244	N.G.A.		
1245	7-16-2013	1	Sch. V, Tbl. V-A
1246	7-16-2013	1 — 2	700.020
1247	7-16-2013	1	500.010
1248	N.G.A.		
1249	N.G.A.		
Supp. #27, 10/14			
1250	N.G.A.		
1251	10-15-2013	1	115.110(B)
1252	11-19-2013	1	Sch. V, Tbl. V-B
1253	N.G.A.		
1254	2-18-2014	na	700.280 — 700.330
1255	4-15-2014	1	705.030
1256	4-15-2014	1	215.190(A)
1257	6-17-2014	1	400.480
1258	N.G.A.		
1259	N.G.A.		
1260	N.G.A.		
1261	6-17-2014	na	700.340 — 700.400
1262	N.G.A.		
1263	7-15-2014	1	600.147
1264	7-15-2014	1	220.095
1265	N.G.A.		
1266	8-19-2014	1 — 2	700.020(A)
1267	8-19-2014	1	125.010 — 125.050
1268	N.G.A.		
1269	N.G.A.		
1270	9-30-2014	1	Notes @ 700.010, 705.010
1271	N.G.A.		

* Ordinance Numbers 1119 and 1120 were passed in compliance with HB209 of the 2006 Missouri legislative session. Provisions contained in HB209 were subsequently deemed unconstitutional by the Missouri Supreme Court on August 8, 2006 in City of Springfield, Appellant V Sprint Spectrum, L.P., Respondent Case No. SC87238.

N.G.A. — Not generally applicable.

Superseded	—	Superseded means rendered obsolete by a later ordinance without being specifically repealed; if there is no ordinance number noted after the word superseded, the ordinance was rendered obsolete by provisions agreed upon at the editorial conference and implemented by the adopting ordinance of this Code.
Repealed	—	Specifically repealed by a later ordinance.
na	—	Not applicable.

STATE LAW REFERENCE TABLE

The following tables are a cross reference listing in numerical order of the Sections of the Code and the State Statutes that correspond to that Section or are referenced in that Section. In order to facilitate the use of this cross reference the order is reversed in the second table with the State Statute Section numbers placed in numerical order and the corresponding Code Sections listed opposite them.

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