City of Odessa, Missouri

Code of Ordinances

(Odessa Municipal Code)

Title	Description	Publication Date
Chapter 1	General Code	10/14/13
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Chapter 3	Licensing and Regulation of Business	8/8/11
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CHAPTER 1

THE GENERAL CODE

Published 10/14/13

CHAPTER ONE
THE GENERAL CODE

OFFICERS IN GENERAL

1.100-1 ELECTED OFFICERS

The following officers shall be elected by the qualified voters of the City of Odessa, Missouri, to-wit: A Mayor and Collector, who shall hold their office for two years and until their successors are elected and qualified; and also one Alderman from each ward, for a term of two years, so that the term of office of one- half of the members of the Board of Aldermen shall expire annually provided that on that day their successors are duly elected and qualified. (RSMo 79.050, 79.060)

1.100-2 CITY CLERK

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. During temporary absence or disability of the City Clerk, the Board of Aldermen shall designate an acting City Clerk. (RSMo 79.320)

1.100-3 APPOINTED OFFICERS

The Mayor, with the consent and approval of the majority of the members of the Board of Aldermen, shall have power to appoint a Treasurer, City Attorney, and such other officers as he/she may be authorized by ordinance to appoint, and if deemed for the best interests of the City, the Mayor and Board of Aldermen may, by ordinance, employ special council to represent the City, either in a case of a vacancy in the office of City Attorney, or to assist the City Attorney, and pay reasonable compensation. (RSMo 79.230, 79.050)

1.100-4 QUALIFICATIONS

No person shall be elected a member of the Board of Aldermen, or be elected or appointed to any office under the City government, unless he/she is:

1. At least 18 years of age, except the Mayor who shall be at least 25 years of age;
2. A citizen of the United States;
3. A qualified voter under the laws and constitution of this State and the ordinances of the City; and
4. Except where indicated, a resident and an inhabitant of the City one year immediately preceding his/her election or appointment.

The Aldermen shall be residents of the respective wards from which they are elected, and their removal from the ward from which they were elected during their term shall create a vacancy in their office. (RSMo 79.070, 79.250)

1.100-5 HOLDING MORE THAN ONE OFFICE PROHIBITED

No member of the Board of Aldermen shall be appointed to any office under said city government, nor shall any elective or appointive officer of the City be elected, or appointed to, or hold, more than one office at a time under said city government. This section shall apply only to the offices of:

1. Mayor;
2. Collector;
3. Municipal Judge; and
4. Alderman.

This section shall not prohibit an officer or other City employees from holding two positions which are not both offices unless the holding of one position would be inconsistent with or in conflict with the holding of the other position or in accordance with RSMo 79.050.

1.100-6 NO OFFICER TO BE IN ARREARS TO CITY

No person shall be elected a member of the Board of Aldermen, or be elected or appointed to any office, who shall, at the time of such election or appointment, be in arrears to the City for any tax, fine, forfeiture or embezzle defalcation in office; and if any person holding any such office, position or place, shall become a defaulter to said City, his/her office shall thereupon become vacant; provided, that no person shall be deemed such defaulter unless he/she has neglected and refused, or shall neglect and refuse, for thirty days after demand is made, to account for and pay over to the person or officer authorized to receive the same, any public money which may come into his/her hands. (RSMo 79.250)

1.100-7 OFFICERS' OATH; BOND

Every officer of the City and his/her assistants, and every Alderman, before entering upon the duties of his/her office shall take and subscribe to an oath or affirmation before the City Clerk, that he/she possesses all the qualifications prescribed for his/her office by law; that he/she will support the Constitution of the United States and of the State of Missouri, the provisions of all laws of this State affecting cities of this class and the ordinances of the City, and faithfully demean himself while in office; which official oath or affirmation shall be filed with the City Clerk. Every officer of the corporation, when required by law or ordinance, shall, within fifteen days after his/her appointment or election, and before entering upon the discharge of the duties of his/her office, give bond to the City in such sum and with such sureties as may be designated by ordinance, conditioned upon the faithful performance of his/her duty, and that he/she shall pay over all monies belonging to the City, as provided by law, that may come into his/her hands. If any person elected or appointed to any office shall fail to take and subscribe to such oath or affirmation, or to give bond as herein required, his/her office shall be deemed vacant. For any breach of condition of any such bond, suit may be instituted by the City, or by any person in the name of the City to the use of such person.

The following employees' Bonds shall be secured by the City of Odessa: (RSMo 79.260)

City Treasurer	$10,000
City Clerk	$50,000
Deputy City Clerk	$50,000
All other City officials and employees	$10,000

1.100-8 SUFFICIENCY OF BOND

Any officer of the City required by the laws of this State or the ordinances of the City to give an official bond may give such bond with personal security thereon, or may give bond with a surety or bonding company, but any such surety or bonding company must be acceptable to the officers of the City whose duty it is to pass upon the sufficiency of such bond.

1.100-9 SALARIES FIXED BY ORDINANCE

The Board of Aldermen shall have power to fix compensation of all the officers and employees of the City by ordinance. The salary of an officer shall not be changed during the time for which he/she was elected or appointed. (RSMo 79.270)

1.100-10 REMOVAL OF OFFICERS

The Mayor may, with the consent of a majority of the members elected to the Board of Aldermen, remove from office, for cause shown, any elective officer of the City, such officer first being given opportunity, together with his/her witnesses, to be heard before the Board of Aldermen sitting as a Board of Impeachment. Any elective officer including the Mayor, may in like manner, for cause shown, be removed from office by a two-thirds vote of all the members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation.

The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office any appointive officer of the City at will, and any such appointive officers may be so removed by a two-thirds

vote of all the members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. Impeachment proceedings shall be instituted and conducted as provided for by ordinance. (RSMo 79.240)

1.100-11 IMPEACHMENT OF ELECTIVE OFFICERS

1. The Mayor and the Board of Aldermen of the City shall have exclusive jurisdiction to hear and determine all proceedings for impeachment of any elective officer of said City, sitting as a Board of Impeachment.
2. All proceedings for the impeachment of any City officer shall be instituted by some officer of the City filing with the Mayor, or with the Board of Aldermen, at some regular meeting of said Board, a written statement signed by such officer, setting forth the offense charged against said offending officer.
3. When written charges are so filed against any officer of said city, charging him with conduct unbecoming a City officer, the Board shall set a time for a trial upon said charges, at which time the complainant with any witnesses that he/she may produce shall be heard together with any witnesses that he/she may produce. If said officer so desires, he/she may be represented by an attorney in the trial of said charges.
4. The trial upon the charges filed against any officer shall be heard before the Board of Aldermen, sitting as a Board of Impeachment, and the Mayor shall sit as the presiding officer of said Board of Impeachment.
5. The Mayor shall have power to issue subpoenas for witnesses and to compel their attendance by attachment upon all trials of impeachment, and to administer oaths as is by law conferred upon courts of law.
6. Pending charges and trial against any City officer for impeaching, the Mayor shall by order suspend said City officer so charged and shall appoint some suitable person to act as such officer and the person so appointed shall have full power to enforce the ordinances and do all other things incumbent upon the officer whose place he/she is filling during the suspension.
7. The trial for impeachment before the Mayor and Board of Aldermen, shall be conducted as trials are conducted in ordinary suits. (RSMo 79.240)

1.100-12 CONFLICT OF INTEREST

No officer of the City or member of the Board of Aldermen shall be directly or indirectly, peculiarly interested in any contract under the City, nor in any work done by the authority of the City, nor in furnishing and procuring labor supplies for the City, or for any of its institutions in any manner whatever. RSMo Sections 105.450-105.454, 105.458, 105.462 and 105.464 shall be adhered to.

BOARD OF ALDERMEN

1.101-1 ORDINANCES - HOW PASSED

The legislative powers of the City government shall be vested in the Mayor and Board of Aldermen, who shall act only by ordinance duly passed as follows: The style of the ordinances of the City shall be: "Be it ordained by the Board of Aldermen of the City of Odessa, Missouri, as follows:". No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Board of Aldermen shall vote for it, and the ayes and nays be entered to the journal; and all bills shall be read two times before their passage.

1.101-2 ORDINANCE REVISION OR RE-ENACTMENT

No ordinance shall be revised or re-enacted by mere reference to the title thereof, but the same shall be set forth at length, as if it were an original ordinance. 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 in the next section provided. (RSMo 79.130)

1.101-3 MAYOR'S APPROVAL OR VETO

Every bill duly passed by the Board of Aldermen and presented to the Mayor and by him approved shall become an ordinance, and every bill presented as aforesaid, but returned with the Mayor's objections thereto, shall stand reconsidered. The Board of Aldermen shall cause the objections of the Mayor to be entered at large upon the journal, and proceed at its convenience to consider the question pending, which shall be in the following form: "Shall the bill pass, the objections of the Mayor thereto notwithstanding?" The vote on this question shall be taken by ayes and nays and the names entered upon the journal, and if two-thirds of all the members-elect shall vote in the affirmative, the City Clerk shall certify the fact on the roll, and the bill thus certified shall be deposited in his/her office, and shall become an ordinance in the same manner and with like effect as if it had received the approval of the Mayor. The Mayor shall have power to sign or veto any ordinance passed by the Board of Aldermen; provided, that should he/she neglect or refuse to sign any ordinance and return the same with his/her objections, in writing, at the next regular meeting of the Board, the same shall become a law without his/her signature. (RSMo 79.140)

1.101-4 BUDGET - PREPARATION

The City Administrator shall be the Budget Officer of the City of Odessa, Missouri, 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, embodying in it a budget document with proper supporting schedules and an analysis to be proposed to the Mayor and Board of Aldermen for their final approval. [Ord. 1972 dtd 02/23/1987]

1.101-5 BUDGET - PROCEDURES OF RSMo CHAPTER 67

The budget of the City of Odessa shall be governed by Budgets for Political Subdivisions Chapter 67, RSMo.

1.101-6 FISCAL YEAR

The fiscal year of the City of Odessa, Missouri shall be October 1 to and including September 30 of each year.

1.101-7 SEMI-ANNUAL STATEMENT OF RECEIPTS AND EXPENDITURES

The Board of Aldermen shall semi-annually in March and October of each year make out and spread upon their records a full and detailed account and statement of the receipts and expenditures and indebtedness of the City for the half year ending September 30 and March 31, preceding the date of such report, which account and statement shall be published in some newspaper in the City. (RSMo 79.350)

1.101-8 INSPECTION OF OFFICERS' BOOKS AND RECORDS

Every officer of the City shall, when ordered to do so by the Mayor or Board of Aldermen, exhibit his/her accounts or other papers or records, and make report to the Board of Aldermen, in writing, touching any matter relating to his/her office. (RSMo 79.350)

1.101-9 POWER TO COMPEL ATTENDANCE OF WITNESSES

The Board of Aldermen shall have power to compel the attendance of witnesses and the production of papers and records relating to any subject under consideration in which the interest of the City is involved, and shall have power to call on the proper officers of the City, or of Lafayette County, Missouri, to execute such process. The officer making such service shall be allowed to receive such fees as are allowed by law in the circuit court for similar services, to be paid by the City. The Mayor or Mayor Pro-Tem of the Board of Aldermen shall have power to administer oaths to witnesses. (RSMo 79.180)

1.101-10 DEPOSITIONS BEFORE THE BOARD

Deposition of witnesses may be taken and read in behalf of the City and in behalf of the other party or parties in interest in any matter arising before the Board of Aldermen as in courts of law. Provided that such depositions shall be taken under and governed by the rules of law regulating depositions in courts of law.

1.101-11 REGULAR MEETINGS; COMPENSATION

Regular meetings of the Board of Aldermen of the City of Odessa shall be held on the Second and Fourth Monday of each month commencing at 7:00 p.m. Central Standard Time and Central Daylight Time at the Community Building, 601 W. Main Street, Odessa, Missouri unless otherwise provided by the Board of Aldermen. The members of the Board of Aldermen shall receive such compensation as is set by ordinance.

1.101-12 ADJOURNED MEETINGS

Adjourned meetings may be held whenever the Board of Aldermen shall deem the same necessary.

1.101-13 SPECIAL MEETINGS

The Mayor, or any two members of the Board of Aldermen, may call a special meeting of the Board at any time by causing the City Clerk to notify upon the several members of the Board of the time fixed for such special meeting. If the hour of the special meeting shall be other than as provided in section 1.101-11 thereof, the notice shall state such hour. Strict adherence to the "Sunshine Law" will be observed. (Chapter 600 RSMo)

1.101-14 MAYOR OR MAYOR PRO-TEM PRESIDE

The Mayor shall preside at all meetings of the Board of Aldermen, but in his/her absence or disqualification because of interest in any manner coming before the Board, the Mayor Pro-Tem of the Board of Aldermen shall preside. (RSMo 79.090, 79.120)

1.101-15 ELECTION OF MAYOR PRO-TEM

The Board of Aldermen shall elect one of their own members to act in the absence of the Mayor, who shall be styled "Mayor Pro-Tem of the Board of Aldermen." (RSMo 79.090)

1.101-17 MEETING RULES

The meetings of the Board of Aldermen shall be conducted and governed by the following rules; provided, however, that all cases or questions not fully covered by the following rules shall be decided in accordance with the principles of Parliamentary Law as modified by usage of American Deliberative Bodies.

1. The presiding officer shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the Board.
2. All members present shall vote on every question stated by the presiding officer unless excused by the Board of Aldermen.
3. No motion shall be stated by the presiding officer unless it is seconded; when a motion is seconded, it shall be stated by the presiding officer before debate, and shall be reduced to writing if required by any member.
4. If the question in debate contains several distinct propositions any member may have the same divided.
5. When a motion is under debate, no motion shall be received, unless for the previous question, to postpone it indefinitely, to adjourn to a certain day, to lay it on the table, to amend it, or to adjourn the Board.
6. A motion to adjourn shall always be in order, except when a member is speaking or a vote is being taken, or when a motion to adjourn is the last preceding motion.
7. When any two members shall require it, the ayes and nays on any question shall be entered on the minutes.
8. All reports of officers and committees shall be in writing.
9. No member of the Board of Aldermen shall be permitted to vote on any bill appropriating money, or approving a contract, in which said member is directly or indirectly peculiarly interested.
10. These rules may be temporarily suspended by a vote of two-thirds of the members present, and may be repealed, altered or amended, by the concurrence of two-thirds of all the members of the Board.

1.101-18 JOURNAL OF PROCEEDINGS

The Board of Aldermen shall cause to be kept a journal of its proceedings, and the ayes and nays shall be entered on any question at the request of any two members. The Board of Aldermen may prescribe and enforce such rules as it may find necessary for the expeditious transaction of business. (RSMo 79.150)

MAYOR

1.102-1 MAYOR TO PRESIDE OVER BOARD

The Mayor shall have a seat in and preside over the Board of Aldermen, but shall not vote on any question except in case of a tie. In no event shall he/she have a vote in the passage of an ordinance or resolution, nor shall he/she preside or vote in cases wherein he/she is an interested party. He/She shall exercise a general supervision over all the officers and the affairs of the City, and shall take care that all the ordinances of the City and laws of the State relating to cities of the fourth class are complied with. (RSMo 79.120)

1.102-2 MAYOR TO ENFORCE LAWS

The Mayor shall be active and vigilant in enforcing all laws and ordinances for the government of the City, and he/she shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty; and he/she is hereby authorized to call on every inhabitant of the City over eighteen years of age and under the age of fifty years, to aid in enforcing the laws. (RSMo 79.200)

1.102-3 MAYOR - COMMUNICATIONS TO BOARD

The Mayor shall, from time to time, communicate to the Board of Aldermen, such measures as may, in his/her opinion, tend to the improvement of the finances, the police, health, security, ornament, comfort and general prosperity of the City. (RSMo 79.210)

1.102-4 MAYOR - APPOINTMENTS

The Mayor, with the consent and approval of the majority of the members of the Board of Aldermen shall have power to appoint a City Treasurer, and City Attorney.

The Mayor, with the consent and approval of the majority of the members of the Board of Aldermen, shall have the power to appoint the City Administrator, and all Department Heads as deemed appropriate.

The Mayor shall also appoint members to other boards of the City as provided by ordinance or statute and shall be an ex-officio member of all boards, unless otherwise provided.

1.102-5 MAYOR - SIGNS COMMISSIONS AND WARRANTS

The Mayor shall sign the commissions and appointments of all City officers elected or appointed, in the City, and shall approve all official bonds unless otherwise prescribed by ordinance. He/She shall sign all orders, drafts and warrants drawn on the City treasury for money, and cause the City Clerk to attest the same and to affix thereto the seal of the City, and to keep an accurate record thereof in a book provided for that purpose. (RSMo 79.190)

1.102-6 MAYOR TO APPROVE OFFICIALS' BONDS

It shall be the duty of the Mayor to see to it that each officer and member of the Board of Aldermen before entering upon the discharge of the duties of his/her office take and subscribe the oath of office prescribed by ordinance, and that all officers therein required to give bond, have given bond as required; and in the event any surety on any such bond has died or removed from the state or become insolvent, it shall be his/her duty to require such officer to give a new bond with satisfactory sureties. (RSMo 79.190)

1.102-7 INSPECTION OF OFFICERS' BOOKS AND RECORDS

The Mayor shall have power, as often as he/she may deem it necessary, to require any officer of the City to exhibit his/her accounts or other papers and records, and to make report to the Board of Aldermen, in writing, touching any matter relating to his/her office. (RSMo 79.350)

1.102-8 MAYOR - REMITS FINES, GRANTS PARDONS

The Mayor shall have power to remit fines and forfeitures, and to grant reprieves and pardons for offenses arising under the ordinances of the City; but this section shall not be so construed as to authorize the Mayor to remit any costs which may have accrued to any officer of the City by reason of any prosecution under the laws or ordinances of the City. (RSMo 79.220)

1.102-9 VACANCY IN THE OFFICE OF MAYOR

When any vacancy shall happen in the office of Mayor by death, resignation, removal from the City, removal from office, refusal to qualify, or from any other cause whatever, the Mayor Pro-Tem of the Board of Aldermen shall, for the time being, perform the duties of Mayor, with all the rights, privileges, powers and jurisdiction of the Mayor, until such vacancy shall be filled, or such disability be removed, or in case of temporary absence, until the Mayor returns; provided, that, while occupying the place of Mayor, the Mayor Pro-Tem of the Board of Aldermen shall have a vote in and be allowed the same privileges as other members of the Board of Aldermen. (RSMo. 79.100)

1.102-10 MAYOR – POWER TO CALL SPECIAL MEETINGS

The Mayor shall have the power to call special meetings of the Board of Aldermen, Board of Adjustment, Board of Appeals, Parks & Recreation Board and Planning & Zoning Commission in the event the Chairmen of such Boards fail to respond to a request for a hearing or meeting 14 days after filing. In such cases, the Mayor's role in the Board's proceedings shall be limited to calling the meeting under the guidelines prescribed for each. In the event the Chairman or Co-Chairman cannot attend such special meeting called by the Mayor, the Mayor shall preside over the Board's selection of a temporary Chairman to serve until such time when the presiding Chairman returns or a new one is elected. With the Mayor's consent, standing Boards may, by simple majority vote, elect the Mayor to act as temporary Chairman unless he/she is already an officer of that Board. In the event a meeting or hearing cannot be held within 30 days after an application is filed, the Applicant shall be notified in writing of the same by the City Clerk and informed that his/her application is denied by default, except as stipulated in Section 9.403-5 of this code. A copy of such notification shall be made a permanent part of the file.

CITY COLLECTOR

1.103-1 QUALIFICATIONS

A candidate for the office of collector shall meet the qualifications set forth in section 1.100-4 of this code; except such candidate shall be an inhabitant of the city ninety (90) days immediately preceding his/her election.

CHIEF OF POLICE

1.104-1 QUALIFICATIONS AND APPOINTMENT

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, education, skill and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

1. Bachelor's degree in law enforcement or equivalent experience.
2. Five years of professional experience in law enforcement of which at least two years must be as a police chief, assistant police chief, or police sergeant.
3. Must have completed the mandatory training standards established by Chapter 590 of the Revised Missouri State Statutes.
4. Must be at least twenty-one (21) years of age, but not more than sixty-five (65) years of age and of good moral character.
5. Thorough knowledge of law enforcement principles, procedures, techniques, and equipment.
6. Knowledge of state statutes, ordinances, and police department rules and regulations.
7. Ability to speak and write effectively.
8. Ability to train and develop police officers and support staff.
9. Ability to supervise staff.
10. Must have a valid driver's license without record of suspension or revocation in any state. Must obtain a valid Missouri drivers license before beginning work.

Reasoning Ability

11. Must have the ability to deal with the general public in a variety of situations and conditions.
12. Must have above average communication skills in both a verbal and non-verbal manner.
13. Must have the ability to handle complex decision making.

Physical Demands: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

14. Must have normal physical agility and mobility.
15. Must have physical strength to lift and handle 100 pound objects.
16. Must have the strength and agility to handle the tools and equipment of a modern police department.

A qualified person shall be appointed Chief of Police for the City of Odessa by appointment of the Mayor with approval by majority vote of the Board of Aldermen.

1.104-3 DUTIES AND ABSENCE OF CHIEF OF POLICE

The Chief of Police shall devote the necessary time required to discharge his/her official duties. Those duties shall include the duties listed in the job description, the duties listed in 1.104-1 to 1.104-14 of the Code of Ordinances, and any other duties assigned by the Mayor or Board of Aldermen. During his/her absence for any reason, the Assistant Chief of Police shall perform the duties of the Chief of Police and have full authority for the Police Department. In the advent that both the Chief and Assistant Chief are absent, the Mayor shall appoint an acting Chief of Police to serve until such time that the Chief or Assistant Chief returns to active duty.

1.104-4 CHIEF OF POLICE - DIRECTOR OF POLICE DEPARTMENT

The Chief of Police is the director of the Police Department. He/She shall have immediate and direct control of the Department, subject to the supervision of the City Administrator, and subject to such other rules, regulations and orders as the Mayor and Board of Aldermen may prescribe. He/She shall enforce all orders, rules and regulations governing the Police Department. (RSMo 79.290)

1.104-5 CHIEF OF POLICE - POWER OF ARREST

The Chief of Police shall at all times have power to make or order all arrests, with proper process, for any offense against the laws of the State or the City, by day or night, and bring the offender to trial before the proper officer of

the City, and may arrest on view, and without a warrant, any person he/she sees violating or who he/she has reasonable grounds to believe has violated any law of this State, including misdemeanors, or any ordinance of this city. The power of arrest authorized by this section is in addition to all other powers conferred upon the Chief of Police and shall not be construed so as to limit or restrict any other power of the Chief of Police.

1.104-6 CHIEF OF POLICE - INQUIRY INTO ORDINANCE BREACH

It shall be the duty of the Chief of Police to visit all parts of the city, to make diligent inquiry after all breaches of City ordinances, particularly such offenses as may be pointed out to him by the Mayor or any member of the Board of Aldermen, and to report the same to the City Attorney for prosecution.

1.104-7 CHIEF OF POLICE - VIOLATIONS ON CITY PROPERTY

He/She shall see that no trespasses or nuisances are committed upon the property of the City.

1.104-8 CHIEF OF POLICE - EXECUTION OF ORDERS & SERVICE OF NOTICE

In addition to the duties imposed upon him by the laws and ordinances governing this city, it is hereby made the duty of the Chief of Police to execute all orders and serve all notices emanating from the City Administrator, Mayor, the Board of Health, the Board of Aldermen or any of the committees of the City, and for such service he/she shall receive no additional pay. (RSMo 79.290)

1.104-9 CHIEF OF POLICE - INSPECT FOR NUISANCES

It shall be the duty of the Chief of Police to inspect for those nuisances enumerated in sections 2.200 through 2.209 of this code.

1.104-10 CHIEF OF POLICE - COLLECTION OF FINES

It shall be the duty of the Chief of Police to collect all fines imposed by the municipal judge, for violations of the City ordinances, and all other money required to be collected by the Chief of Police, and to pay such money collected as fines and other money due the City, immediately over to the City Collector and to take from the City Collector, a receipt and duplicate of receipt, the original to be preserved in his/her office and the duplicate to be filed with the City Clerk.

1.104-12 CHIEF OF POLICE - HOLD ARRESTEES' PROPERTY

The Chief of Police shall keep separate all money or property taken from the person of anyone arrested for crime or offense, reporting the same to the municipal judge, and pay and deliver the same as ordered by the municipal judge.

1.104-13 CHIEF OF POLICE - ATTEND MUNICIPAL COURT, BOARD MEETING

He/she shall attend Municipal Court and the Board of Aldermen during their sitting, to preserve order and to execute such orders and process as directed.

1.104-14 CHIEF OF POLICE REPORTS TO CITY ADMINISTRATOR

The Chief of Police shall report directly to the City Administrator. The Chief of Police shall make monthly reports to the Mayor and Board of Aldermen at their regular meetings and when required at special meetings. The Chief of Police shall also meet with and report to the City Administrator as requested by the City Administrator, Mayor or Board of Aldermen.

CITY CLERK

1.105-1 CITY SEAL

The City shall at all times have and maintained a corporate seal, which shall be in circular form, two inches in diameter, with the words CITY OF ODESSA, ODESSA, MISSOURI, around the circle, and SEAL across the center of the face thereof, and the same is hereby declared to be adopted as the Seal of the City. (RSMo 79.010)

1.105-2 CITY CLERK - KEEPER OF THE SEAL

The City Clerk shall be the keeper of the corporate seal of the City, and any impression of said seal to any contract or other instrument of writing shall have no validity or binding obligation upon the City unless such impression be accompanied by the attestation and signature of the City Clerk, and then only in case authorized by law or ordinance of the City of Odessa.

1.105-3 CITY CLERK - TO KEEP JOURNAL AND CITY RECORDS

It shall be the duty of the City Clerk to keep a journal of the proceedings of the Board of Aldermen, and safely and properly keep all the records, ordinances and papers belonging to the City which may be entrusted to his/her care. He/She shall be the general accountant of the City, examining, auditing and adjusting all accounts, claims and demands for and against the City; keep proper books in which the accounts of the City shall be kept, charging or crediting each fund as the case may require, and keep in proper books the accounts between the City and the City Treasurer, City Collector, or other City officers who by ordinance of the City, in any way handle public funds of any or all kinds. He/She shall affix the seal of the City to all public documents, or official acts of the City which by law or the ordinances of the City are required to be so attested, countersign the same, and shall affix the seal to and certify documents, copies of papers in his/her office required for individual use, or by any officer of the City, and shall furnish to the City Attorney any record or document in his/her office necessary to be used in court, taking his/her receipt therefore. He/She shall procure stationery, books and other necessary articles for the Board of Aldermen and necessary in the city government, including postage on official documents, and shall render his/her account therefore to the Board of Aldermen, who shall pay the same. He/She shall record all City ordinances and official bonds of all City officers, and bonds of persons having obtained licenses where bonds are required to be given, and generally perform all duties required by ordinance or the order of the Board of Aldermen. (RSMo 79.320)

1.105-4 CITY CLERK - PREPARE TAX RECORDS

When the Board of Aldermen shall have fixed the rate of taxation for any given year, the City Clerk shall make out appropriate and accurate tax books, and shall therein set out in suitable columns, opposite the name of each person and the item of taxable property, as returned by the assessor and board of equalization, the amount of taxes, whether general or special, due thereon, and shall charge the Collector or designee with the full amount of taxes levied and to be collected; the Clerk shall also charge the City Collector or designee with all licenses and other duties of all kinds to be collected. (RSMo 94.290)

1.105-5 CITY CLERK - KEEP ACCOUNT OF BONDS AND OBLIGATIONS

The City Clerk shall keep an account of all bonds, notes, bills and other obligations of the City, with the name of the party to whom said obligations are payable, the place of the payment, the time when the principal and interest are payable, and the rate of interest. All monies paid out of any fund of the City shall be paid upon warrants drawn upon the City treasury, specifying the fund out of which the same is to be paid, and the City Clerk shall keep an accurate record of all such warrants.

1.105-6 CITY CLERK - SETTLEMENT WITH FISCAL OFFICERS

At least once each year the City Clerk shall make settlement with all the fiscal officers of the City, and report to the Board of Aldermen. Additional settlements shall also be made with such fiscal officers of the City when required so to do by the Mayor or Board of Aldermen.

1.105-7 CITY CLERK - ADMINISTERS OATHS

The City Clerk shall administer official oaths and oaths to persons having claims against the City. (RSMo. 79.320)

1.105-8 CITY CLERK - OFFICE MANAGEMENT

In addition, to the duties now prescribed in City of Odessa, Missouri Ordinances and Revised Statutes of the State of Missouri, the City Clerk shall be responsible for the management of the office.

1.105-9 CITY CLERK TERM OF OFFICE

Once elected, the City Clerk shall hold that position at the pleasure of the Mayor and Board of Aldermen, and may be removed by the Mayor with the Consent of the majority of the Board, or by two-thirds vote of the Board alone. The term of each election shall in no event exceed two years, or until a successor is duly elected. The City Clerk may be reelected to successive terms.

1.105-8 DEPUTY CITY CLERK - APPOINTED

The City Clerk shall recommend for appointment by the Board of Alderman, a Deputy City Clerk, who shall be responsible for the performance of the duties of the office of the City Clerk in the absence of the City Clerk and who shall be responsible to the Mayor for the conduct and performance of the City Clerk's duties. The Deputy City Clerk shall post such bond or be covered by such insurance as established by ordinance, the cost of which and the compensation of said deputy shall be borne or paid by the City of Odessa.

1.105-9 BONDS

The Deputy City Clerk shall be bonded in an amount of at least Ten Thousand Dollars ($10,000), which bond may be included in the City's insurance coverage, insuring that he/she will faithfully discharge all the duties of his/her office and deposit all monies belonging to the City into the proper bank account. The City Clerk shall set bond requirements for all other clerical staff under his/her supervision that engage in the collection of taxes, collection of utility payments, the collection of any fees, fines or engage in any other financial transactions on behalf of the City. (RSMo 79.260, 79.290)

CITY TREASURER

1.106-1 TREASURER - BOND

The City Treasurer shall, before entering upon the duties of his/her office, enter into a bond to the City, in a sum of not less than ten thousand dollars, as aforesaid provided conditioned upon the faithful performance of his/her duties as City Treasurer, and that he/she will honestly account for all money that may come into his/her hands and pay the same as required by law; and that when he/she shall cease to be the City Treasurer, he/she, or his/her administrator or executor, shall pay over all the money in his/her hands belonging to the City, to his/her successor in office, together with all books, papers, vouchers and other documents belonging to the office of Treasurer, which bond shall be approved by the Mayor and Board of Aldermen. (RSMo 79.300, 95.105)

1.106-2 TREASURER - DUTIES

The Treasurer shall receive and safely keep all money, books, obligations and documents entrusted to his/her care, and shall pay over all money, bonds and other obligations of the City on warrants or orders duly drawn, passed or ordered by the Board of Aldermen and signed by the Mayor, attested by the City Clerk and with the seal of the City affixed thereto and not otherwise. (RSMo 79.300)

1.106-3 TREASURER - REPORT TO THE BOARD OF ALDERMEN

Once a month the City Treasurer or other duly authorized official shall report to the Board of Aldermen the amount of receipts and expenditures of the City treasury; the amount of money on hand; the amount of bonds falling due, if any, for the redemption of which provision must be made; and the amount of interest to be paid during the next fiscal year. The Treasurer shall perform all other duties that may be required by the ordinances of the City. (RSMo 95.100, 95.365)

1.106-4 TREASURER - WARRANT BOOK; ORDER OF PAYMENT

The City Treasurer or other duly authorized official shall keep a well bound book in which he/she shall make an entry of all City warrants presented to him for payment, which have been legally drawn for money, according to the ordinances of the City, stating correctly the date, amount, number, in whose favor drawn, and the date of presentation. He/She shall endorse on the back of said warrants the date the same were presented, and all warrants so presented shall be paid out of the funds of the City upon which the same are drawn, in the order in which they shall be presented. (RSMo 95.065)

1.106-5 TREASURER - DRAWING MONEY FROM THE TREASURY

No money shall be paid out of the treasury except on a warrant signed by the Mayor and attested by the City Clerk. No warrant shall be drawn upon the treasury, nor shall any ordinance appropriating money be passed, unless there is an unexpended balance to the credit of the City in the fund in the treasury upon which such warrant is drawn, to meet such warrant, or a sufficient sum of un-appropriated money in the fund in the treasury upon which such ordinance is drawn, to meet the appropriation made by such ordinance. Every bill that contemplates the payment of money shall, upon its second reading, be referred to the Treasurer, or the person acting as Treasurer, for his/her endorsement, to the effect that a sufficient sum stands to the credit of the City, un-appropriated, in the fund covered by such ordinance, to meet the requirements of such bill. (RSMo 95.365)

CITY ATTORNEY

1.107-1 CITY ATTORNEY - QUALIFICATIONS

The City Attorney shall meet the general qualifications fixed by section 1.100-4 for appointive officers of the City, except the City Attorney need not be a voter or a resident of the City. In addition, the City Attorney shall be an attorney at law in good standing and entitled by license to practice his/her profession in all the courts of the State of Missouri. (RSMo 79.230, 79.250)

1.107-2 CITY ATTORNEY - DUTIES

It shall be the duty of the City Attorney to prosecute or defend all actions, civil or criminal, in which the City is a party of interest, and to appear in all courts of the State for the City. He/She shall in all cases be the legal adviser of the City, and when requested by the Board of Aldermen or any City officer, render his/her opinion in writing, upon any legal question upon which they or he/she may require information pertaining to the business of the City. He/She shall draw up and prepare any contract, ordinance, or other instrument in writing, in the subject matter of which the City may be interested, and do all other things of a legal nature in behalf of the City, when required by the Board of Aldermen, and shall, with fee, advise and counsel any officer of the City in relation to his/her official duties, when requested by such officer. (RSMo 79.290)

1.107-3 CITY ATTORNEY - COMPENSATION

For all services rendered by the City Attorney, for which no compensation has been provided by ordinance or fixed by contract, a reasonable attorney's fee shall be allowed and paid by the City.

1.107-4 CITY ATTORNEY - EXPENSES ON APPEAL

In case of an appeal from a judgment, the expenses of the City Attorney and a reasonable fee shall be allowed him for attending the superior courts in behalf of the City.

1.107-5 CITY ATTORNEY - VACANCY; SPECIAL COUNSEL

The Mayor and Board of Aldermen, may, if deemed for the best interest of the City, employ special counsel to represent the City, either in a case of vacancy in the office of City Attorney, to assist the City Attorney, or when the City Attorney is interested in any cause adversely to the City. Said counsel shall receive a reasonable fee for services so rendered. (RSMo 79.230)

1.107-6 ASSISTANT CITY ATTORNEY

When it shall be deemed necessary to obtain additional counsel to assist the City Attorney in the discharge of his/her official duties, the Board of Aldermen may employ additional counsel. Said Assistant City Attorney shall, as required, assist the City Attorney and represent the City as prosecutor in the Municipal Court and/or in appeals from the Municipal Court.

CITY ADMINISTRATOR

1-108-1. ESTABLISHED
There is hereby created and established the Office of City Administrator for the City of Odessa, Missouri.

1-108-2. APPOINTMENT AND TENURE
A qualified person shall be appointed City Administrator for the City of Odessa by appointment of the Mayor with approval by majority vote of the Board of Alderman. No elected official shall receive such appointment in the term for which he/she has been elected or within one (1) year after the expiration of his/her term.

1-108-3 QUALIFICATIONS
The person appointed to the office of City Administrator for the City of Odessa shall be at least twenty-five (25) years of age and shall be a graduate of an accredited university or college, majoring in public or municipal administration, or shall have three (3) years as a City Administrator or equivalent administrative experience.

1-108-4 COMPENSATION
The City Administrator shall receive fringe benefit as established by ordinance, or as approved by the Board of Aldermen. The Board of Aldermen shall set the salary of the City Administrator depending on education, experience and job performance, by ordinance.

1-108-5 DUTIES AND POWERS

A. **Administrative Office.** The City Administrator shall be the Chief Administrative Assistant to the Mayor and the Board of Aldermen and as such shall be the Administrative Office of the City Government. The Administrator may, if so directed by the Mayor and Board of Aldermen, head one (1) or more departments. Except as otherwise specified by ordinance or by law of the State of Missouri, the City Administrator shall coordinate and generally supervise the operation of the City in all areas other than the Park Department.

B. **Purchasing.** The City Administrator shall supervise the Purchasing Agents for the City and all purchases shall be made in accordance with the purchasing procedures approved by the Board of Aldermen.

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, embodying in it a budget document with proper supporting schedules and an analysis to be proposed to the Mayor and Board of Aldermen for their final approval.

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 departmental reports shall show the financial condition of the City in relation to the budget.

E. **Personnel System.** The City Administrator shall act as the Personnel Officer of the City and shall recommend an appropriate position classification system and pay plan to the Mayor and 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 (in accordance with personnel system regulations approved by the Board of Aldermen) all subordinate employees of the City of Odessa with the exception of Department Heads and those assigned to the Parks Department. The City Administrator shall inform the Mayor and Board of Aldermen of all personnel decisions.

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

G. **Board of Aldermen Agenda.** The City Administrator shall submit to the Mayor and Board of Aldermen, a

proposed agenda for each Board meeting forty-eight (48) hours before the time of the regular Board meeting.

H. Boards and Committees. The City Administrator shall work with all City Boards and Committees to help coordinate the work of each for the benefit of the City.

I. Attend Board of Aldermen Meetings. The City Administrator shall attend all regular and special meetings of the Board of Aldermen, unless otherwise excused by the Mayor, and address the Board of Aldermen on matters pertaining to discussion of City business or functions requested.

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

K. State and Federal Aid Programs. The City Administrator shall coordinate Federal and State programs, which may have application to the City of Odessa.

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

M. City Property. The City Administrator shall be responsible for all real and personal property of the City unless otherwise specified by ordinance. He/She 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 the approval of the Board of Aldermen. Real property may be sold only with the approval of the Board of Aldermen by resolution or ordinance according to bidding policies.

N. Set Administrative Policies. The City Administrator shall have the power to prescribe such rules and regulations as he/she shall deem necessary or expedient for the conduct of administrative agencies subject to his/her authority, and he/she 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.

O. Coordinate Departments. The City Administrator shall have the power to coordinate the work of all departments of the City, except that of the Parks Department and their employees, and, at times of an emergency, shall have authority to assign the employees of the City, with the exception of those assigned to the Parks Department, to any department where they are needed for the most effective discharge of the functions of City Government.

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

Q. Outside Employment Prohibited. The City Administrator shall not be employed by any firm or individual while serving the City of Odessa in the position of City Administrator.

R. Miscellaneous. In addition to the foregoing duties and powers, the City Administrator shall perform any and all other duties of functions prescribed by the Mayor and Board of Aldermen. However, at no time shall the duties or powers of the City Administrator supersede the action of the Mayor and Board of Aldermen.

EMERGENCY MEDICAL SERVICES

1.109-1 DIRECTOR OF EMERGENCY MEDICAL SERVICES

The position of Director of Emergency Medical Service is hereby established. The duties of the Director of Emergency Medical Services shall be to supervise and schedule the duties of the members of the Ambulance Department.

1. Qualifications: The director of emergency medical services shall be at least twenty-one (21) years of age and shall have at least two (2) years of experience in emergency medical service; he/she must have a basic knowledge of ambulance service operation and be licensed by the bureau of emergency medical services of the State of Missouri as an Emergency Medical Technician-Paramedic at the time of appointment.

2. Appointment, Term and Removal, and Reporting: The director of emergency medical services shall be appointed by the Mayor with advice and consent of the Board of Aldermen, and shall serve at the pleasure of the Board of Aldermen. The director shall report to the City Administrator.

3. Powers and Duties. The director of emergency medical services shall have the authority and the duty to manage and operate the ambulance and emergency medical services department of the City; he/she shall, with the approval of the City Administrator, hire, supervise, discipline, and discharge all employees of the emergency medical services department; he/she shall assist in preparation of the budget for said department, he/she shall prepare and present to the City Administrator for approval the operating policy for said department; he/she shall supervise the purchase of all materials, supplies and equipment for said department; he/she shall submit monthly reports to the Board of Aldermen through the City Administrator concerning the activities of said department, and keep the Board of Aldermen advised of the financial condition and future needs of said department and make such recommendations as he/she may deem desirable.

1.109-2 ASSISTANT DIRECTOR OF EMERGENCY MEDICAL SERVICES

The position of Assistant Director of Emergency Medical Service is hereby established. The duties of the Assistant Director of Emergency Medical Services shall be to serve under and assist the Director of Emergency Medical Service in the normal operation of the Department and, in the absence of the Director because of illness, vacation, personal business, or other reason, the Assistant Director shall provide the leadership, operation, and management of the EMS Department.

1. Qualifications: The Assistant Director of Emergency Medical Services shall be at least twenty-one years (21) years of age and shall have at least two (2) years of experience in Emergency Medical Services; he/she must have a basic knowledge of ambulance service operation and be licensed by the Bureau of Emergency Medical Services of the State of Missouri as an Emergency Medical Technician-Paramedic at the time of appointment.

2. Powers and Duties: The Assistant Director of Emergency Medical Services shall have the authority and the duty to manage and operate the ambulance and emergency medical services department of the City in the absence of the Director of Emergency Medical Services; he/she shall also assist the Director of Emergency Medical Services in all areas of management of the department.

RECORDS, MEETINGS, AND VOTES

SECTION 1.110-1 DEFINITIONS

As used in this Chapter, unless the context otherwise indicates, the following terms shall have the meanings respectively ascribed to them:

CLOSED MEETING, CLOSED RECORD OR CLOSED VOTE: Any meeting, record or vote closed to the public.

PUBLIC GOVERNMENTAL BODY: Any legislative or administrative governmental entity constituting a part of the City of Odessa created by the Constitution of Statutes of this State, by order or ordinance of any political subdivision or district or by executive order, including any body, agency, board, bureau, commission, committee, or any governmental deliberative body under the direction of three (3) or more elected or appointed members having rule making or quasi-judicial power, any committee appointed by or under the direction or authority of any of the above named entities and which is authorized to report to any of the above-named entities, and any quasi-public governmental body. The term "*quasi-public governmental body"* means any corporation organized or authorized to do business in this State under provisions of Missouri Revised Statutes, Chapter 352, 353, or 355, or unincorporated association which either:

1. Performs a public function as evidenced by a statutorily based capacity to confer or otherwise advance, through approval, recommendation, or other means the allocation or issuance of tax credits, tax abatement, public debt, tax-exempt debt, right of eminent domain, or the contracting of leaseback agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from a public governmental body, but only to the extent that a meeting, record, or vote relates to such appropriation; or

2. Has as its primary purpose to enter into contracts with public governmental bodies or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies.

PUBLIC MEETING: Any meeting of a public governmental body subject to Missouri Revised Statutes, Section 610.010 to 610.030 at which any public business is discussed, decided, or public policy formulated whether such meeting is conducted in person or by means of communication equipment, including but not limited to conference call, video conference, Internet chat, or Internet message board. The term "*public meeting"* shall not include an informal gathering of members of a pubic governmental body for ministerial or social purposes when there is no intent to avoid the purposes of State Law but the term shall include a public vote of all or a majority of members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathering at one location in order to conduct public business.

PUBLIC RECORD: Any record pertaining to or of any public governmental body including any report, survey, memorandum or other document or study prepared for the public governmental body by a consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by a private contractor under an agreement with the public governmental body or on behalf of the public governmental body. The term "*public record*" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions, and recommendations in connection with the deliberative decision making process of said body, unless such records are retained by the public governmental or presented at a public meeting. Any document or study prepared for a public governmental body by a consultant or other professional service as described herein shall be retained by the public governmental body in the same manner as any other public record.

PUBLIC VOTE: Any vote cast at any public meeting of any public governmental body, whether conducted in person, by telephone, or any other electronic means.

SECTION 1.110-2 VOTES, HOW TAKEN

Except as provided in Section 1.110-3 and as otherwise provided by law, all votes shall be recorded, and if a roll call is taken, as to attribute each "yea and nay" vote, or abstinence if not voting, to the name of the individual member of the public governmental body. Any votes taken during a closed meeting shall be taken by roll call. All public meetings shall be open to the public and public votes and public records shall be open to the public for inspection and duplication. All votes taken by roll call, in meetings of a public governmental body consisting of members who are all elected, except any committee established by a public governmental body, shall be cast by members of the public governmental body who are physically present and in attendance at the meeting. When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body, with a quorum of the members of the public body physically present and in attendance and less than a quorum of the members of the public governmental body participating via telephone, facsimile, Internet, or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.

SECTION 1.110-3 CLOSURE TO THE PUBLIC OF CERTAIN MEETINGS, RECORDS, VOTES

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

1. Legal actions, causes of action or litigation involving the City or public governmental body of the City and any confidential or privileged communications between the City and its public governmental bodies or their representatives and their attorneys. However, any vote relating to litigation involving the City or its public governmental bodies shall be made public upon final disposition of the matter voted on or signing of a settlement agreement unless prior to final deposition, the settlement agreement is ordered closed by a Court after a written finding of the adverse impact to a Plaintiff or Plaintiffs to the action clearly outweighs the public policy considerations of Section 610.011 RSMO, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

2. Leasing, purchase, or sale of real estate by the City or its public governmental bodies where public knowledge of the transaction might adversely affect the legal consideration therefore. However, any minutes, vote or public record approving a contract relating to the leasing, purchase, or sale of real estate by the City or its public governmental bodies shall be made public upon execution of the lease, purchase or sale of real estate;

3. Hiring, firing, disciplining, or promoting an employee of the City or its public governmental bodies when personal information is discussed or recorded; However, any vote on a final decision, when taken by the City or its public governmental bodies, to hire, fire, promote or discipline an employee of the City or its public governmental bodies shall be made available to the public within seventy-two (72) hours of the close of the meeting where such action occurs with a record of how each member voted; provided however, that any employee so affected shall be entitled to prompt notice before such decision is made available to the public. As used herein *"personal information"* means information related to performance or merit of individual employees;

4. Non-judicial mental or physical health proceedings, involving identifiable persons including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

5. Preparation, including any discussions or work product, on behalf of the City or its public governmental bodies or their representatives for negotiations with employee groups;

6. Software codes for electronic data processing and documentation thereof;

7. Specifications for competitive bidding, until either the specifications are officially approved by the City or its public governmental bodies or the specifications are published for bid.

8. Sealed bids and related documents, until the earlier of either when the bids are opened, or all bids are accepted, or all bids are rejected;

9. Individually identifiable personnel records, performance ratings, or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions. salaries, lengths of service of officers and employees of the City and its public governmental bodies once they are employed as such;

10. Records which are protected from disclosure by law;

11. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

12. Testing and examination materials before the test or examination is given or, if it is to be given again, before so given again;

13. Records relating to municipal hot lines established for the reporting of abuse and wrongdoing;

14. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to this chapter;

15. Operational guidelines and policies developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of records. This exception shall sunset as provided in Section 610.021(18) RSMo, and as amended;

16. Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety;

    (a) Records relating to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

    (b) When seeking to close information pursuant to this exception, the public governmental body's shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;

    (c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving

agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed.

(d) This exception shall sunset as provided in Section 610.021(19) RSMo and as amended.

17. Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit, or deny access to otherwise public records in a file, document, data file, or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by or on behalf of a governmental body for such computer, computer system, computer network, or telecommunications network shall be open {except to the extent provided in this section}; and

18. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body.

SECTION 1.110-4: CLOSED MEETINGS AND RECORDS

All records that may be closed are hereby deemed closed records, unless the governmental body votes to make them public. Before closing a meeting or vote to the public, a majority of a quorum of the governmental body must vote to do so in a public vote. The vote of each member of the governmental body on the question of closing the meeting or vote and the reason for closing the meeting or vote by reference to a specific exception shall be announced at a public meeting and entered into the minutes.

SECTION 1.110-5: NOTICE OF MEETINGS

A. The governmental body shall give notice of the time, date and place of a closed meeting and the reason for holding it by reference to the specific exception allowed under provisions of Section 1.110-3. Such notice shall comply with the procedures set forth in subsection (B) below. No other business may be discussed in a closed meeting which does not directly relate to the specific reason announced to close the meeting to the public.

B. The governmental body shall give notice of the time, date, place and tentative agenda of each meeting in a manner reasonably calculated to advise the public of the matters to be considered, and if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend the meeting. If a public body plans to meet by Internet chat, internet message board, or other computer link, it shall post a notice of the meeting on its website in addition to its principal office and shall notify the public how to access that meeting. The notice shall be placed on the appropriate bulletin board or other conspicuous location at City Hall at least twenty-four (24) hours prior to the meeting, exclusive of weekends and holidays. If an emergency makes it impossible to give twenty-four hour (24) notice, the reason must be reflected in the minutes. Notice shall also be given to any representative of the news media who requests notice of a particular meeting concurrent with notice being made available to members of the public governmental body.

SECTION 1.110-6: PLACE OF MEETING

Each meeting shall be held at a place reasonably accessible to the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. When it is necessary to hold a meeting at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

SECTION 1.110-7: RECORDING OF MEETINGS

A public body shall allow for the recording by audiotape, videotape, or other electronic means of any open meeting. A public body may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record, or vote closed pursuant to the provisions of Section 1.110-3 shall be permitted without permission of the public body; any person who violates this provision shall be guilty of an ordinance violation punishable under the Code of Ordinances.

SECTION 1.110-8: SUBUNIT AND COMMITTEE MEETINGS

A formally constituted subunit of a parent governmental body may conduct a meeting without notice during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

SECTION 1.110-9: SPECIALIZED NOTICES

If another provision of law requires a manner of giving specific notice of a meeting, hearing or an intent to take action by a governmental body, compliance with that section shall constitute compliance with the notice requirements of this chapter.

SECTION 1.110-10: CUSTODIAN APPOINTED

The City Clerk is hereby appointed as the custodian of records and is to be responsible for the maintenance of all records of the City and all records of the City's public governmental bodies. The custodian is authorized to appoint assistant custodians to aid in the performance of the custodian's duties, as established by State law, City ordinance and City policies which govern access to, and maintenance of public records, meetings and votes. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third (3) business day following the date that the request for the statement is received.

SECTION 1.110-11: MINUTES

A journal or minutes of open and closed meetings shall be taken and retained by the public governmental body, including, but not limited to a record of any votes taken at such meeting. The minutes shall include the date, time, place, members present, members absent and a record of any votes taken. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote or abstinence if not voting to the name of the individual member of the public governmental body.

SECTION 1.110-12: PROVIDING ACCESS TO OR COPIES OF PUBLIC RECORDS

Should a person authorized by State Law to obtain access to City records request access to or photocopies of public records, there is hereby established a search and photocopying fee not to exceed ten cents (.10) per page, for paper not larger than nine by 14 inches, with an hourly fee for staff time not to exceed the average hourly rate of pay for clerical staff of the public governmental body. Research time required to respond may be charged at actual costs. Fees for providing access to public records maintained on computed facilities, tapes, disks, films,

pictures, maps, slides, graphics, illustration, or other media or devices and for paper copies larger than nine by fourteen inches, shall include the actual cost of the copies and staff time not to exceed the average hourly rate of pay for staff required to make the copies. Payment of copying fees may be requested in advance.

Each request to inspect or for a copy of a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request was received by the custodian of records. If records are requested in a certain format, the public governmental body shall provide the records in the requested format, if such format is available. If access to the public records cannot be granted by the end of the third business day, the custodian of records shall give a detailed explanation for the delay and the earliest time and date that the record will be available for inspection or copying.

SECTION 1.110-13: ELECTRONIC MESSAGES

Any member of a public governmental body who transmits any message relating to public business by electronic means shall also concurrently transmit that message to either the member's public office computer or the custodian of records in the same format. The provisions of this section shall only apply to messages sent to two or more members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the custodian or at the member's office computer shall be a public record subject to the exceptions for closure authorized by law.

EMERGENCY MANAGEMENT AGENCY

1.200-1 ESTABLISHMENT

There is hereby created within and for the territory of the City of Odessa, an Emergency Management Agency to be known as the "Odessa Emergency Management Agency," which is responsible for the preparation and implementation of emergency functions required to prevent, minimize and repair injury and damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities, excluding functions for which military forces are primarily responsible, in accordance with Chapter 44, RSMo, and the Missouri Disaster Operations Plan adopted thereunder.

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

This agency shall perform emergency management functions within the territorial limits of the City of Odessa, and may conduct these functions outside the territorial limits as directed by the Governor during the time of emergency pursuant to the provisions of Chapter 44, RSMo.

This agency shall not participate in any form of political activity, nor shall it be used directly or indirectly for political purposes. (RSMo 44.080)

1.200-2 FUNCTIONS

In carrying out the provisions of this ordinance, the City may:

1. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for emergency management purposes;
2. Provide for the health and safety of persons, including emergency assistance to victims of any enemy attack, and the safety of property;
3. Direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the federal and state disaster emergency planning;
4. Appoint, provide, or remove rescue teams, auxiliary fire and police personnel and other emergency operation compensation;
5. In the event of enemy attack, waive the provisions of statutes requiring advertisement for bids for the performance of public work or entering into contracts;
6. Accept services, equipment, supplies, materials, or funds by way of gift, grant or loan from the federal government for the purpose of emergency management;
7. Designate space in any City owned or leased building for the Odessa Emergency Management Agency office. (RSMo 44.080, 44.028)

1.200-3 POWERS AND DUTIES OF MAYOR

The Mayor shall have the general direction and control of the Emergency Management Agency and shall be responsible for carrying out the provisions of this ordinance. In the event of disaster beyond local capabilities, the Mayor may assume direct operational control over all or any part of these emergency management functions within the City. In performing his/her duties under this ordinance and to effect its policy and purpose, the Mayor is further authorized and empowered:

1. To make, amend, and rescind the necessary orders, rules and regulations to carry out the provisions of this ordinance within the limits of the authority conferred upon him herein, with due consideration of the policies and plans of the federal and state government;

2. To require and direct the cooperation and assistance of agencies and officials of the City to assist in performance of emergency management functions;

3. On behalf of the City, with the approval of the Governor, may enter into mutual-aid arrangements or agreements with other public and private agencies within and without the State for reciprocal emergency aid. Such arrangements or agreements shall be consistent with the state disaster plan and program. In time of emergency, it shall be the duty of the Odessa Emergency Management Agency to render assistance in accordance with the provisions of such mutual-aid arrangements or agreements;

4. To delegate any administrative authority vested in him under this ordinance and to provide for the subdelegation of this authority;

5. To appoint a Director and other members of the Emergency Management Agency under the following conditions:

a. No person shall be employed or associated in any capacity in any organization established under this ordinance 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.

b. Each person who is appointed to serve in an organization for emergency management shall, before entering upon his/her duties, take an oath, in writing, before the City Clerk, which oath shall be substantially as follows:

"I, _____, do solemnly swear (or affirm) that I will support and defend the constitution of the United States and the constitution of the State of Missouri, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such a time as I am a member of the Odessa Emergency Management Agency, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence."

The emergency powers of the Mayor shall be as follows:

1. The provisions of this section of the ordinance shall be operative only during the existence of a state of emergency. The existence of an emergency may be proclaimed by the Mayor or by resolution of the Board of Aldermen; if the Mayor in his/her proclamation or the Board of Aldermen in its resolution, finds that an attack upon the United States has occurred, or that a natural disaster of major proportions has actually occurred within this city, and that the safety and welfare of the inhabitants of this city require invocation of the provisions of this section.

2. When the Director is ordered by the Mayor to perform a support and assistance mission, it shall be the duty of the individual in charge of the supporting unit or agency to report to the Director when the mission is accomplished. The Director may then request permission from the Mayor to release the support unit or agency.

3. Any emergency, whether proclaimed by the Mayor or by the Board of Aldermen, shall terminate upon the Proclamation thereof by the Mayor, or the passage by the Board of Aldermen, of a Resolution terminating such emergency.

4. During the period that the state of emergency exists or continues, the Mayor shall:

   a. Enforce and put into operation all plans, rules, and regulations relating to disasters and emergency management of resources adopted under this law and to assume direct operational control of all emergency forces and volunteers in the city:

b. Take action and give directions to the Chief of Police and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this ordinance and with the orders, rules and regulations made pursuant thereof;

c. Take such other action as may be necessary for the management of resources following an attack;

d. Provide that all law enforcement authorities and other emergency management agencies and workers of other cities who may be within this city at the request of the Mayor or pursuant to local mutual-aid agreements or arrangements shall have the same authority and possess the same powers, duties, right, privileges and immunities as are possessed by law enforcement authorities and emergency management agencies and workers of this city;

e. To perform and exercise such other functions, powers and duties as may be necessary to promote and secure the safety and protection of the civilian population.

1.200-4 POWERS AND DUTIES OF DIRECTOR

The Director will be appointed by the Mayor and shall serve during the pleasure of the Mayor.

The Director shall have direct responsibility for the organization, administration and operation of the Emergency Management Agency, subject to the direction and control of the Mayor.

The Director shall have the following powers and duties:

1. To adopt, amend and repeal rules and regulations governing the procedures and activities of the Emergency Management Agency;

2. To cooperate with other similar emergency management agencies and organizations;

3. To conduct studies and make reports to the Mayor with recommendations for legislation related to emergency management;

4. To prepare a city disaster plan and a City resources management plan to be approved by the Mayor and Board of Aldermen;

5. To do all acts and things, not inconsistent with law, for the furtherance of emergency management activities;

6. To procure supplies and equipment, to institute training and public information programs, to take all other preparatory steps including the partial or full mobilization or emergency management and emergency resources management organizations in advance of actual disaster, and to insure the furnishing of adequately trained and equipped forces of emergency management personnel in time of need;

7. To make studies and surveys of the industries, resources, and facilities of the City as may be necessary to ascertain the capabilities of the city for disaster relief, and to plan for the most efficient emergency use thereof;

8. To maintain records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Emergency Management Agency;

9. Assist in negotiation of reciprocal mutual-aid agreements between the City and other public and private agencies, and shall carry out arrangements or agreements relating to the local agency. (RSMo 44.080)

CITY PLANNING & ZONING COMMISSION

1.201-1 MUNICIPAL PLAN AUTHORIZED

The City of Odessa shall be authorized to make, adopt, amend, extend, and carry out a municipal plan as authorized by Law. (RSMo 89.310)

1.201-2 CITY PLANNING & ZONING COMMISSION CREATED

A commission to be known as "City Planning & Zoning Commission" is hereby created which shall consist of eight (8) citizen members appointed by the Mayor and approved by the Board of Aldermen. (RSMo 89.320)

1.201-3 CITIZEN MEMBERS - COMPENSATION

All citizen members of the City Planning & Zoning Commission shall serve without compensation and shall represent insofar as is feasible different professions, interest, or occupations in the city. (RSMo 89.320)

1.201-4 CITIZEN MEMBERS - TERMS; VACANCY

The term of each citizen member of the City Planning & Zoning Commission shall be four years, except that the terms of the citizens members first appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Board of Aldermen may remove any citizen member for cause stated in writing and after public hearing. (RSMo 89.320)

1.201-5 COMMISSION OFFICERS, MEETINGS AND RECORDS

The City Planning & Zoning Commission shall elect its chairman and secretary from among the citizen members. The term of Chairman and Secretary shall be for one year with eligibility for re-election. 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. (RSMo 89.330)

1.201-6 SOURCE OF FUNDING

The Board of Aldermen may provide the funds, equipment and accommodations necessary for the work of the Commission, but the expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the Board of Aldermen and no expenditures, nor agreements for expenditures shall be valid or legal in excess of such amount. Provided, however, that such commission shall have the authority and the power to accept and receive donations of cash or property gifts, bequests and grants and, with the approval of the Board of Aldermen, may use such non-appropriated assets as the commission shall deem beneficial and advantageous to the City of Odessa, Missouri. (RSMo 89.330)

1.201-7 DUTIES

It shall be the function and duty of the Commission to make and adopt plans for the physical development of the municipality, including any areas outside of its boundaries but within its statutory authority which, in the Commission's judgment, bear relation to the planning of the municipality. (RSMo 89.340)

The commission shall review current or proposed policies or ordinances dealing with code enforcement; review current or proposed procedures for the administrative enforcement of the International Building Codes Life Safety Codes, and International Fire Codes (includes review of all relevant national codes); review current and proposed policies in relation to residential and commercial development, park and land use development, and general landscaping issues. The commission may consider, report and make recommendations upon proposed ordinances and matters relating zoning, planning, codes enforcement, and all other matters as specifically directed by the Board of Alderman.

1.201-8 PUBLIC HEARING

Before the adoption, amendment or extension of the plan or portion thereof, the Commission shall hold at least one public hearing thereon. Fifteen days' notice of the time and place of such hearing shall be published in at least one newspaper having general circulation within the City. The hearing may be adjourned from time to time. (RSMo 89.360)

1.201-9 RECOMMENDATIONS BY THE COMMISSION

The Commission from time to time shall recommend to the appropriate public officials of municipal programs for public structures and improvements and for the financing thereof. It shall be the function and duty of the commission to further consult and advise with public officials and agencies, civic organizations, public utility companies, educational, professional, and other organizations, and with citizens with relation to the promulgation and carrying out of the plan. The commission shall have the power to delegate authority to any of the above named groups to conduct studies and make surveys for said commission if deemed expedient. (R.S.Mo. 89.370)

1.201-10 VOTING

An affirmative vote of a majority of the entire commission shall be required to recommend an item to the Board of Alderman for approval. Whenever a motion that a bill or proposed ordinance be “recommended to the Board of Alderman for approval” shall fail, or if there is an even division on the question, the Chair or the Director of Community Development shall report on said bill or proposed ordinance with respective voting results to the full Board of Alderman.

1.201.11 ADMINISTRATION OF OATHS; POWER TO SUBPOENA

The Chairman of the Commission shall have power to administer on oath to any person concerning any matter submitted to the commission, or coming within the powers and duties of the commission. The commission may further issue process to compel the attendance of persons before it, and shall have the power to subpoena books, records and papers if necessary, which process shall be served the same as process issued out of the municipal court.

PARK AND RECREATION BOARD

1.202-1 PARK AND RECREATION BOARD

Under authority of the State laws of Missouri sections 90.500 to 90.570, Missouri Revised Statutes 1978, there be and is hereby created a Park and Recreation Board in the City of Odessa, Missouri, the directors of which shall be appointed by the Mayor, subject to the consent of the Board of Aldermen. The Board shall consist of nine members. Directors appointed to the Park and Recreation Board must be citizens and shall have been residents of the City of Odessa, Missouri for at least one year immediately prior to their appointment. No member of the municipal government shall be a member of said Board. (RSMo 90.520)

1.202-2 TERMS OF DIRECTORS

A. Such members shall hold their respective office from the first day of June following their appointment. They shall be appointed for a term of three years. Annually, on or before the first meeting in June, the Mayor shall, be and with the consent of the Board of Aldermen, appoint three Directors, who shall hold office for three years. (RSMo 90.530)

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. (RSMo 90.540)

1.202-3 OFFICERS; RULES AND POWERS

The Park and Recreation Board shall, immediately after the appointment of Directors, meet and organize by the election of one member as President, a 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 sections 1.202-1 to 1.202-6 and with sections 90.500 to 90.570, Missouri Revised Statutes, 1978. (RSMo 90.550)

1.202-4 DUTIES AND RESPONSIBILITIES

The Park and Recreation Board shall:

A. Survey and make plans for the development and maintenance of facilities and activities for an adequate municipal park system.

B. have exclusive control of the expenditures of all money collected to the credit of the park fund and of the supervision, improvement, care, acquisition and custody of the parks.

C. All monies received for such parks shall be deposited in the treasury of Odessa, Missouri, to the credit of the park fund and shall be kept separate and apart from all other monies of the City of Odessa, Missouri and be drawn upon by the proper officers of the City of Odessa, Missouri upon the properly authenticated vouchers of the Park and Recreation Board.

D. have 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., and shall, in general carry out the spirit and intent of sections 90.500 to 90.570 Revised Statutes in establishing and maintaining Public Parks. (RSMo 90.550)

1.202-5 VOTING

An affirmative vote of a majority of the entire Park and Recreation Board shall be required for approval of any action.

1.202-6 ANNUAL REPORTS

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 Board of Aldermen meeting in June of each year and shall consist of:

A. The condition of their trust as of the first day of June of that year.

B. The various sums of money received from the park fund and other sources.

C. The sums of money expended by the Parks and Recreation Board and for what purposes.

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

E. Submit a proposed park and recreation budget for the coming year.

F. Make recommendations for improving the park and recreation program and facilities.

G. Submit an annual planned program for the use of the parks, recreation facilities and areas.

H. All such portions of said Report as related to the receipts and expenditures of money shall be verified by affidavits. (RSMo 90.560)

1.202-7 PRIVATE DONATIONS

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. (RSMo 90.570)

1.202-8 BUDGET

The Park and Recreation Board shall annually prepare prior to the first (1st) day of each succeeding fiscal year a proposed budget of income and expenses for such succeeding fiscal year and submit the same for approval of the Board of Aldermen. During the fiscal year for which the proposed budget is submitted, there shall be no change made therein and no funds expended for expenses in excess of the amounts budgeted for the overall Park Fund budget or expense, regardless of income and funds on hand, unless such change or expense shall first be submitted to and approved by the Board of Aldermen.

1.202 -9 REVIEW OF BOARD DECISIONS

Upon the written certification of three Board of Alderman members, the Board of Alderman may review any action or decision of the Parks and Recreation Board, except a personnel matter. This certification shall state with particularity the action(s) or decision(s) to be reviewed and shall establish a hearing date that is not less than 30 days from delivery of the certification to the Parks Board. The Board of Alderman shall hear testimony and rule on the appeal. It shall require a two-thirds affirmative vote of the entire Board of Alderman to set aside, reverse or modify a Board action or decision.

CITY ADVISORY TREE BOARD

1.203-1 CREATION AND ESTABLISHMENT OF CITY ADVISORY TREE BOARD

There is hereby created and established a City Advisory Tree Board for the City of Odessa, Missouri, which consists of five (5) members, citizens and residents of Odessa, Missouri, who shall be appointed by the Mayor with the approval of the Board of Aldermen. (RSMo 79.450(5))

1.203-2 TERM OF OFFICE

The term of the five (5) persons to be appointed by the Mayor shall be three (3) years except that the term of two (2) of the members appointed to the first Board shall be for only one (1) year and the term of two (2) members of the first Board shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed by the Mayor for the unexpired portion of the term.

1.203-3 COMPENSATION

Members of the Board shall serve without compensation.

1.203-4 MISSION

Trees are an important component of Odessa's infrastructure, and currently more management and public education are needed to ensure their future health. At this time, the health of many trees in Odessa, as in communities throughout the country, is threatened not only by disease and insects, but also the effects of community growth. The Odessa Advisory Tree Board is committed to bringing information to the citizens of Odessa about one of our most treasured resources: trees.

1. The Advisory Tree Board Mission:
   a. The Advisory Tree Board shall coordinate community forestry issues in Odessa.
   b. Develop comprehensive forestry policy recommendations for Odessa.
   c. Develop educational efforts on proper tree management.
   d. Seek public and private funding for community forestry management.
   e. Coordinate demonstration projects.
   f. Integrate natural resource issues into local and regional planning efforts.
2. It shall be the mission of the Advisory Tree Board to study, investigate, counsel , promote, plan, develop and/or update annually, a written plan for the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in public ways, streets and alleys. Such plan will be presented annually to the Board of Aldermen and upon their acceptance and approval, shall constitute the official comprehensive tree plan for the City of Odessa, Missouri.
3. It shall be the mission of the Advisory Tree Board to promote and encourage the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs on private property within the city limits of the City of Odessa, Missouri and seek the cooperation of the owners and lessees of such property to that end.
4. It shall be the mission of the Board to study, investigate, counsel and advise, upon request, the City Park Board in the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in the City parks of Odessa, Missouri.
5. The Advisory Tree Board, when requested by the Board of Aldermen, shall consider, investigate, make findings, reports and recommendations upon special matter or question coming within the scope of its work. *[Ord. 2672 02-12-2007]*

1.203-5 OPERATION

The Board shall choose its own officers, make its own rules and regulations not inconsistent with this ordinance or other applicable ordinances of the City of Odessa, Missouri, and shall keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

1.203-6 VOTING

An affirmative vote of a majority of the whole board shall be required to recommend an item to the Board of Alderman for approval. Whenever a motion that a bill or proposed ordinance be "recommended to the Board of Alderman for approval" shall fail, or if there is an even division on the question, the Chair shall report on said bill or proposed ordinance with respective voting results to the full Board of Alderman.

INDUSTRIAL DEVELOPMENT AUTHORITY

1.204-1 CREATION OF THE AUTHORITY

Under authority of and pursuant to the State laws of Missouri Chapter 349, Missouri Revised Statutes, 1978, there be and is hereby formed on Industrial Development Authority of the City of Odessa, Missouri. (RSMo 349.025-249.035)

1.204-2 BOARD OF DIRECTORS - QUALIFICATIONS, COMPENSATION

The Authority shall have a Board of Directors in which all the powers of the corporation shall be vested and which shall consist of not less than five directors, all of whom shall be duly qualified electors of and, for five years immediately prior to their appointment, resident taxpayers of the City of Odessa. Members of the Board of Directors of the Industrial Development Authority of the City of Odessa shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in and about the performance of their duties hereunder. No member of the Board of Directors shall be an officer or employee of the City of Odessa, Missouri. (RSMo 349.045)

1.204-3 BOARD OF DIRECTORS - APPOINTMENT

All directors shall be appointed by the Mayor with the advice and consent of a majority of the Board of Aldermen. At the time of the appointment of the first Board of Directors, the Board of Aldermen shall divide the directors into three groups. The first term of the directors included in the first group shall be two years, the first term of the directors included in the second group shall be four years, and the first term of the directors included in the third group shall be six years. If at the expiration of any term of office of any director a successor thereto shall not have been elected then the director whose term of office shall have expired shall continue to hold office until his/her successor shall be so elected. (RSMo 349.045)

1.204-4 REMOVAL OF DIRECTORS

Directors may be removed by the Mayor with the advice and consent of the Board of Aldermen of the City of Odessa, Missouri, with or without cause at any time, but a director shall be removed only after a hearing in the event that a director requests a hearing.

1.204-5 POWERS OF THE AUTHORITY

Provided by RSMo 349.050 (Supp. 1980).

1.204-6 POWER TO ISSUE REVENUE BONDS

Provided for by RSMo 349.055 (Supp. 1980).

1.204-7 DISSOLUTION OF THE AUTHORITY

Provided for by RSMo 349.095 (1978)

COMMUNITY DEVELOPMENT DEPARTMENT

1-205-1. ESTABLISHED

There is hereby created and established the Community Development Department for the City of Odessa, Missouri. {Ordinance 2857}

1-205-2. APPOINTMENT, TERM, AND REMOVAL AND REPORTING:

The Director of Community Development shall be appointed by the Mayor with advice and consent of the Board of Aldermen, and shall serve at the pleasure of the Mayor and Board of Aldermen. The director shall report to the City Administrator.

1-205-3 QUALIFICATIONS

The person appointed to the position of Director of Community Development for the City of Odessa shall be at least twenty-five (25) years of age and shall be a graduate of an accredited university or college, majoring in planning, urban planning or a related field, and shall have three (3) years of fulltime increasingly responsible professional urban planning program experience, supplemented with supervisory or management experience.

1-205-4 DUTIES AND RESPONSIBILITIES

a) Assume full management responsibility for all of the Community Development Department's services and activities and oversee and participate in the development of policies and procedures
b) Oversee and facilitate the development and implementation of goals, objectives, policies, and priorities for each assigned service area
c) Establish, within City policy, appropriate service and staffing levels; monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures; and allocate resources accordingly
d) Through department management staff, oversee and facilitate the delivery of services for the department and work with key staff to identify and resolve problems
e) Assist with the management and implementation of the economic development program; develop and implement strategic and programmatic planning for community economic development projects, serve as frontline leadership for potential economic development activities within the community, and serve as a resource for internal and external stakeholders regarding economic development projects within the community.
f) Assist in the development, implementation, and maintenance of the City's Comprehensive Plan; direct current and advanced planning activities including zoning, development applications, subdivisions, variances, environmental reviews, and design review activities; and present and justify proposed plans, plan revisions, ordinances, and other recommendations involving current and advanced planning objectives
g) Assist in the preparation of planning studies including the analysis, review, and presentation of narrative and statistical findings and recommendations
h) Oversee and participate in the development and administration of the department's budget; approve the forecast of funds needed for staffing, equipment, materials, and supplies; and approve expenditures and implement budgetary adjustments as appropriate and necessary
i) Explain, justify, and defend assigned department programs, policies, and activities; and negotiate and resolve sensitive and controversial issues
j) Represent the Community Development Department to administrative staff, elected officials, the Planning

and Zoning Board, the Board of Zoning Adjustment, and the Economic Development Council , as well as other groups, and outside agencies; and coordinate assigned activities with those of appointed boards, other groups, outside agencies, and organizations

k) Select, train, and evaluate assigned staff; work with employees to correct deficiencies; and implement discipline and termination procedures

l) Respond to and resolve difficult and sensitive citizen inquiries and complaints

1-205-5 ECONOMIC DEVELOPMENT COUNCIL ESTABLISHED

There is and is hereby formed an advisory board known as the "Economic Development Council of the City of Odessa" (hereinafter referred to as "Council" OR "EDC") which shall serve as an advisory board, subject to the actions and policies of the Mayor and Board of Aldermen.

1-205-6 ECONOMIC DEVELOPMENT COUNCIL BOARD OF DIRECTORS

The Council shall consist of a board of directors which shall contain five directors, all of whom shall be a resident of the City of Odessa, Missouri, or have a substantial professional interest within the corporate limits of the City of Odessa, Missouri.

The members of the Council shall serve as such without compensation, except that they shall be reimbursed for their expenses incurred in and about the performance of their duties as a member of the Council, consistent with City policy regarding appointed officials expense reimbursement.

1-205-7 ECONOMIC DEVELOPMENT COUNCIL APPOINTMENTS

All directors shall be appointed by the Mayor with the advice and consent of a majority of the Board of Aldermen of the City of Odessa, Missouri. The term of office of all directors shall be five years. The term of office of all directors shall commence June 1 in the year of appointment and expire May 31 five years hence, except that at the time of appointment of the first board of directors, the Mayor shall assign the sequence of term expiration to each position of director such that in the initial five years of existence of the Council, one term of the five directors shall expire each year. Beginning with the date of conception of the Council, one term of the five directors shall expire each year. In the event of a vacancy on the Council, the vacancy shall be filled consistent with the procedures set forth in Sections 5 and 6 above for the unexpired term for which the vacancy is filled.

1-205-8 ECONOMIC DEVELOPMENT COUNCIL ELECTIONS

At the first meeting following June 1 in each year, the Council shall elect a Chairperson, Vice Chairperson, and Secretary from among the members of the Council. It shall be the duty of the Chairperson to preside over all meetings of the Council. It shall be the duty of the Vice Chairperson to preside over all meetings where the Chairperson is absent. It shall be the duty of the Secretary to provide notice of, and produce a record of all meetings of the Council.

1-205-9 ECONOMIC DEVELOPMENT COUNCIL DUTIES

The Economic Development Council is empowered to advise and make recommendations to the Mayor and Board of Alderman, and as appropriate to the Planning Commission, or other Boards or Commissions of the City on such matters as may be specifically referred to the Council by the Mayor or Board of Alderman including but not limited to:

- Determining new strategies for economic development within the City of Odessa
- Promote current business and businesses within the City of Odessa and the region

- Review and investigate economic development opportunities that will benefit the local economy, make recommendations to the Board of Alderman as to prioritization of such opportunities, recommend to the Board of Alderman an action plan for achieving the City's economic development priorities and assist the Board of Alderman in implementing and monitoring said action plan
- Meet with current and potential businesses to discuss inducements and barriers to conducting business in Odessa and to make recommendations to the Board of Alderman to improve those inducements and reduce the barriers
- Review and recommend policies, regulations, procedures, etc. to the Board of Alderman regarding business issues that may be adopted by the appropriate agency to implement
- Coordinate EDC's efforts with other development and business groups within Odessa, and Lafayette County
- Review and make recommendations to the Board of Alderman regarding options for downtown and business district improvements and enhancements
- Pursue grants that may be available to assist in economic development
- Other duties as may be requested by the Board of Alderman regarding economic development

1.205-10 VOTING

An affirmative vote of a majority of the whole council shall be required to recommend an item to the Board of Alderman for approval. Whenever a motion that a bill or proposed ordinance be “recommended to the Board of Alderman for approval” shall fail, or if there is an even division on the question, the Chair OR THE Director of Community Development shall report on said bill, proposed ordinance or recommendation with respective voting results to the full Board of Alderman.

CITY BOUNDARIES

1.300-1 CITY BOUNDARIES

Beginning at a point on the east line of Section 36, T 49 N, R 28 W at its intersection with the southeast right-of-way line of the Gulf, Mobile and Ohio RR.; thence south with the Range line 1129.4 feet to the east quarter section corner of said Section 36; thence continue south with the Range line approx. 1320 feet to the northwest corner of the S 1/2 Lot 2 SW 1/4 of Sec. 31, T 49 N, R 27 W; thence east approx. 1257.6 feet to the center of the SW 1/4 of said Sec. 31; thence south approx. 1320 feet to the southeast corner of Lot 2, SW 1/4 Sec. 31; thence east with north line of Sec. 6, T 48 N, R 27 W, approx. 660 feet to west side of road in Book 49 at Page 130; thence south with west side of said road approx. 660 feet to south line of N 1/2 NE 1/4 Sec. 6, T 48 N, R 27 W; thence west approx. 660 feet to west line of NE 1/4 said Sec. 6; thence south with the quarter section line approx. 3285 feet to the center of the SW 1/4 of said Section 6; thence west approx. 1292.94 feet to the northwest corner of the S 1/2 Lot 2, SW 1/4 of said Section 6; thence jog south with the Range line approx. 19.8 feet to the northeast corner of the SE 1/4 SE 1/4 of Section 1, T 48 N, R 28 W; thence west with the quarter quarter section line 1786.5 feet to a point 870 feet east of the northwest corner of the SW 1/4 SE 1/4 of Sec. 1; thence south parallel to the quarter section line 1329 feet; thence west 870 feet to the south quarter section corner of said Sec. 1; thence continue west with the section line 2665 feet to the corner common to Sections 1, 2, 11 and 12, T 48 N. R 28 W; thence continue west with the section line approx. 1366 feet to the southwest corner of the SE 1/4 SE 1/4 of said Section 2; thence north with the quarter section line approx. 2650 feet to the center of the E 1/2 of said Section 2; thence west approx. 1324 feet to the center of said Section 2; thence north approx. 2722.5 feet to the north quarter section corner of said Section 2; thence jog east with the Township line approx. 60.7 feet to the south quarter section corner of Section 35, T 49 N, R 28 W; thence north approx. 1320 feet to the center of the S 1/2 of said Sec. 35; thence east approx. 1320 feet to the center of the SE 1/4 of said Sec. 35; thence north approx. 1320 feet to the center of the E 1/2 of said Sec. 35; thence east with the quarter section line approx. 5193.3 feet to a point on the east right-of-way line of the said Gulf, Mobile & Ohio RR., said point being 1390.2 feet west of the east quarter Section corner of said Section 36; thence northeastwardly with said railroad right-of-way, being 50 feet southeast of the center of the main track of said railroad approx. 1750 feet to the point of beginning.

ELECTIONS

1.400 WARDS

The city shall be divided into the following three wards:

A. The first ward shall comprise all that portion of the City of Odessa lying north of the following line: Beginning at the intersection of Main Street extension with the western city limit, then easterly to the intersection of Main Street Extension with West Dryden Street; thence along the north line of West Dryden Street easterly to the intersection of Eighth Street and West Dryden; thence north along the west line of Eighth Street northerly to the intersection of Eighth Street and West Mason Street; thence easterly along the north line of West Mason Street to the intersection of West Mason Street and First Street; thence south along the east line of First Street to the intersection of Dryden Street and First Street; thence east along the north line of East Dryden Street to the intersection of East Dryden and Johnson Drive; thence north along the western line of Johnson Drive to the intersection Johnson Drive and East Main; thence east along the northern line of East Main Street to its intersection with the eastern city limits.

B. The second ward shall comprise all that portion of the City of Odessa lying south and east of the intersection of Dryden and First Street; thence east to the intersection of Dryden and Johnson Drive; thence north along the south line of Main Street to the city limits, and east of First Street.

C. The third ward shall comprise all that portion of the City of Odessa lying south and west of the intersection of First and Mason Streets; and west of First Street.

D. The city wards will be evaluated on a decennial basis. The city wards will be evaluated every ten years with data disseminated by the United States Census Bureau to ensure that the wards within the City of Odessa are divided proportionately according to population, in order to ensure equal representation by elected Alderman. This evaluation and redistricting will occur in the spring, after the United States Census Bureau publishes final census numbers.

1.401-1 GENERAL ELECTION - WHEN HELD

A general election for the elective officers of the City of Odessa shall be held on the municipal election day which shall be the first Tuesday after the first Monday in April of each year. Each elected City officer shall hold his/her office for two (2) years and until his/her successor is duly elected and qualified. (RSMo 115.121, 79.050)

1.401-2 GENERAL ELECTION - CALLED FOR AND NOTIFICATION OF ELECTION AUTHORITY

The Board of Aldermen of the City of Odessa, Missouri, does hereby call its annual municipal election for the first Tuesday after the first Monday in April of each year. The City Clerk is hereby directed to notify the election authorities of Lafayette County, Missouri, not later than 5:00 p.m. on the tenth Tuesday prior to said election of said annual municipal election. (RSMo 115.125)

1.402 OTHER ELECTIONS - CALLING OF AND NOTIFICATION OF ELECTION AUTHORITY

The Board of Aldermen at least sixteen (16) days prior to the tenth Tuesday before any election, except a special election to decide an election contest or tie vote, and except that no additional call of election shall be necessary for the annual municipal election which call has been established by Section 1.401-2, shall call said election as provided by law and direct the City Clerk to give notice of such election to the election authorities of Lafayette County, Missouri, as may be required by law. (RSMo 115.125)

1.403 SPECIAL ELECTIONS TO FILL VACANCIES

If a vacancy occurs in any elective office, the Mayor or the person exercising the duties of Mayor shall cause a special meeting of the board of aldermen to convene where a successor to the vacant office shall be selected by appointment by the Mayor with the advice and consent of a majority of the remaining members of the board of aldermen. If the vacancy is in the office of Mayor, nominations of a successor may be made by any member of the board of aldermen and selected with the consent of a majority of the members of the board of aldermen. The successor shall serve until the next regular municipal election. If a vacancy occurs in any office not elective, the mayor shall appoint a suitable person to discharge the duties of such office until the first regular meeting of the board of aldermen thereafter, at which time such vacancy shall be permanently filled. (RSMo 79.280)

1.404 ELECTION OF ALDERMEN - TIE VOTE

Should two Aldermen be elected from any ward at the same election, the person receiving the highest number of votes shall hold his/her office for two (2) years, and the person receiving the next highest number of votes shall hold his/her office for one (1) year only. In case of a tie, under this section, the Board of Aldermen shall decide which person shall hold office for the two (2) year term. (RSMo 79.070)

1.405-1 DECLARATION OF CANDIDACY - CONTENTS

Each candidate for elective office in the City of Odessa, Missouri, shall file a Declaration of Candidacy with the City Clerk during the period for filing as established by the Board of Aldermen. Each Declaration of Candidacy shall state the candidate's full name, residence address, and office for which he/she proposes to be a candidate.

1.405-2 DECLARATION OF CANDIDACY - FILING PERIOD; WITHDRAWAL

The filing period for offices to be filled by election at the annual municipal election shall be from 8:00 a.m., the sixteenth Tuesday prior to the election. The closing filing date shall be 5:00 p.m., the eleventh Tuesday prior to the election. The City Clerk shall notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election by the sixteenth Tuesday prior to any election at which offices are to be filled. Any candidate may withdraw his/her declaration of candidacy by filing with the City Clerk his/her sworn statement requesting that his/her name be withdrawn from candidacy. Any statement of withdrawal of candidacy should be filed by 5:00 p.m. on the sixth Tuesday before the election.

1.406 ELECTION PROCEDURE

All elections and recounts of elections shall be held as provided in the General Comprehensive Election Act of 1977, as amended.

1.500 PLACEHOLDER FOR FUTURE USE

DEDICATION OF PARK SITES

1.600-1 PARK OPEN SPACE

All subdividers in residential zoning districts shall provide for park open space as a part of such residential subdivision or development. This requirement shall be satisfied by one of the following:

1) Dedication of park open space land for public use or payment of fee dedication as determined by the City.

Park open space required by this section should be within the general area of the development, and should serve the needs created by such development.

Subdivision plat shall show dedication of park open space or fee dedication, which shall be reviewed by the Odessa Park & Recreation Board of Directors prior to preliminary plat submittal to the Planning & Zoning Commission. Recommendations of the Park & Recreation Board shall be submitted to the Planning & Zoning Commission prior to approval of the preliminary plat. The Board of Alderman shall determine if the park open space or fee dedication is acceptable and in compliance with the requirements of this section.

1.600-2 SCHEDULE OF DEDICATION OF PARK OPEN SPACE

1) If the Board of Aldermen determines that the dedication of land by the subdivider is acceptable and in compliance with this section, such dedication shall be by warranty deed from the subdivider to the City or shall be dedicated by the plat. The amount of land required to be dedicated shall be not less than required in the following Schedule of Dedication:

Schedule of Dedication

Zoned Land Use	Amount of Dedication
Single Family	Number of units to be included in the subdivision multiplied by Three and Seven-Tenths (3.7) people per dwelling unit multiplied by Six One-Thousandths (.006) of an acre per person. *(Dwelling Units x 3.7 x .006)*
Two-Family	Number of units to be included in the subdivision multiplied by Three (3.0) people per dwelling unit multiplied by Seven One-Thousandths (.007) of an acre per person. *(Dwelling Units x 3 x .007)*
Multi-Family	Number of units to be included in the subdivision multiplied by Two and seven-tenths (2.7) people per dwelling unit multiplied by Eight One-Thousandths (.008) of an acre per person. *(Dwelling Units x 2.7 x .008)*

2) The minimum required dedication of park open space shall not be less than Two and One-Half (2.5) acres, regardless of zoning.

1.600-2.1 QUALITY OF PARK OPEN SPACE LAND DEDICATION

1) It is the intent that lands designated for park and recreational use be suitable for such use.

2) If the subdivision is of such magnitude that the allocation for park open space would exceed ten (10) acres, the Odessa Park & Recreation Board of Directors can determine a donation of one or two parcels, or request a fee dedication.

3) The park open space parcel shall be a cohesive whole but may be of irregular outline or shape. Consideration shall be given to placing parks where they can be added to by future subdivisions, or is an addition to an existing park.

4) Dedicated park open space shall have frontage on a public street which the Planning & Zoning Commission deems necessary to provide acceptable access to the open space from a public street, taking into account the need for adequate frontage on a public street in amount of frontage reasonably required by the circumstances of the particular open space. This frontage may serve as a corridor from the public street to the main body of the park area, which the Planning & Zoning Commission deems necessary to provide acceptable access to the open space from the public street. This corridor shall have a gradient adequate for pedestrian or vehicle use.

5) The developer shall improve the land to be dedicated as follows:
   a) At least Seventy Five percent (75%) of the land must be of a grade of Five percent (5%) or less and not be divided; the remaining land may include streams, ditches, lakes/ponds or other natural features.
   b) Natural features such as trees, streams and lakes/ponds shall be preserved whenever possible.
   c) Any parkland fronting a public or private roadway shall have curbing and guttering provided along the full frontage of such land.
   d) Any land within the park area disturbed by construction activity shall have the tilth restored and the soil stabilized by appropriate vegetative cover.
   e) The developer may, with concurrence of the Park & Recreation Board, make as extensive improvements or provide recreational facilities as he/she may desire.

1.600-3 SCHEDULE OF PARK FEE DEDICATION

The park fee dedication shall be paid at the time of final platting. The Board of Aldermen may approve a schedule of deferred payment, and may allow payment of fees on unit basis at the time of issuance of building permits. In either case, the method for park fee dedication shall be specified in either a Subdivision Agreement between the City and the subdivider or in the ordinance approving the final plat.

Schedule of Dedication

Zoned Land Use	Amount of Dedication
Single Family	Number of dwelling units to be included in the subdivision multiplied by One Thousand Four Hundred Eighty One ($1,481) *(Dwelling Units x $1,481*
Two-Family	Number of dwelling units to be included in the subdivision multiplied by One Thousand Two Hundred Five ($1,205) *(Dwelling Units x $1,205)*
Multi-Family	Number of dwelling units to be included in the subdivision multiplied by Eight Hundred ($800) *(Dwelling Units x$800)*

1.600-3.1 SPECIAL FUND

All park fee dedication payments shall be deposited in a separate fund established by the City, and such funds and the interest thereon shall be used only for the purchase, development, renovation and maintenance of neighborhood park and recreational facilities determined by the Odessa Park & Recreation Board of Directors as being reasonably accessible to the residents of such subdivision.

1.600-4 PRIVATE DEVELOPMENT AND OPERATION OF PARK AND RECREATION OPEN SPACE

Developers may choose to submit, for review by the Parks and Recreation Board, a plan for a private park development in lieu of a public park dedication. Subdivision must be of a size thirty (30) acres or more for consideration and review by the Parks and Recreation Board. The proposed private park must meet open space and quality requirements in sections 1.600-1 and 1.600-1.2. The proposed private park plan must include detailed specifications of park design, facility construction and amenities. The developer must also provide for the continuous maintenance and operation of the private park by the subdivider or by the lot owners in the subdivision as private property under a legal arrangement approved by the Board of Aldermen. The subdivider will be required

to put up a performance bond and a maintenance bond.

1.600-5 RESUBDIVIDING – PARK OPEN SPACE REQUIREMENTS

Any lands resubdivided after passage of this ordinance shall be subject to the provisions of this section, except that park open space dedicated or park fee dedication payments previously made on the same land will be credited against the obligations of the subdivider pursuant to this section. In no instance will lands so dedicated or fees paid to the City be returned to subdividers.

1.600-6 ADDITIONAL RECREATION RESERVATIONS

The provisions of sections 1.600-1 to 1.600-6 are minimum standards. None of the sections above shall be construed as prohibiting a developer from dedicating or reserving other land for recreation purposes in addition to the given requirements.

1.600-7 PARK HOURS

No person shall be permitted in the City Park of the City of Odessa between the hours of 12:00 o'clock A.M. and 6:00 o'clock A.M. except by special event permission by the Board of Aldermen.

Any person found in violation of section 1 of this ordinance shall be subject to fine of not more than Five Hundred Dollars ($500.00).

1.600-8 VEHICLES PERMITTED ON ROADWAYS ONLY

No person shall operate any vehicle on any public grounds owned by the City of Odessa, Missouri, including public parks, the City reservoir and utility production and treatment plants, except on roadways designated for such purposes. The Director of Public Works, or his/her designee, is authorized to grant exemptions from this requirement for maintenance or other public purposes.

Any person found in violation of section one of this ordinance shall be subject to a fine of not more than Five Hundred Dollars ($500.00)

CITY RESERVOIR REGULATIONS

1.601-1 NO TRESPASSING

No person shall trespass upon the property of the City of Odessa located in sections 10, 11, 14, and 15 of township forty-eight north and range 28 west, in Lafayette County, Missouri, used by said City as a reservoir for drinking water and other purposes, and surrounding area, and commonly referred to as the City Lakes; except as hereinafter provided.

1.601-2 NO GRAZING

No livestock shall be grazed or permitted upon said premises.

1.601-3 NO DOGS RUNNING AT LARGE

No dogs shall be permitted to enter the lake waters, and the owners shall be held responsible for their dogs.

1.601-4 NO SWIMMING OR WADING, EXCEPTIONS

It shall be unlawful for any person to bathe, swim, or wade in the waters of the City lakes; provided, that wading may be permitted when waterproof material is used so that the body does not come into contact with the water.

1.601-5 NO DUMPING

It shall be unlawful for any person to dump or throw trash or rubbish on the lake property or any substance in the Lake waters. Limbs, leaves and other biodegradeable yard waste may be placed in designated areas for City of Odessa residents. This area will be clearly marked and maintained by the City of Odessa Public Works Department.

1.601-6 ENTRANTS TO COMPLY WITH REGULATIONS

All persons hereinafter permitted to enter upon the Lake property shall conduct themselves in an orderly and prudent manner, shall comply with all the orders given by Officers of the Missouri Department of Conservation, Officers of the Odessa Police Department, or authorized City Staff who have identified themselves as such, and shall comply with all the rules and regulations under which each person is permitted by boat or fishing permit to enter upon said premises or waters.

1.601-7 INTOXICATION, PROFANITY AND VANDALISM PROHIBITED

Intoxication and use of profane language are prohibited. Persons committing acts of vandalism, destruction of property, and indecent behavior shall be subject to fine as hereinafter provided and may be ejected from the premises, temporarily or permanently.

1.601-8 GUNS PROHIBITED, EXCEPTIONS

It shall be unlawful to carry or use a gun on the ground or lake, except shotguns as provided for duck hunting.

1.601-9 PERMIT ISSUANCE

That permits, boat permits and fishing permits may be issued, and all such permits shall be issued on the condition that applicants will abide by all rules and regulations then or thereafter put into effect, and subject to the right of the City to temporarily or permanently close all or parts of the grounds or lakes to fishing or boating, or both at any time, and for any reason whatsoever; provided further, that the City may suspend any other provision of section 1.601-1 to 1.601-19, and may grant at any time special permission contrary thereto to any person or group of persons.

1.601-10 MISSTATEMENT OR ERASURE ON PERMITS

Any misstatement on a permit or erasure on a permit shall render the permit void, without recourse, and shall be deemed an offense.

1.601-11 HOURS OF PERMITTED FISHING AND BOATING

Fishing and boating shall be unlawful except during the hours of six o'clock A.M. and eleven o'clock P.M., or such other hours as may be designated by the Board of Aldermen and then only to permit holders. There shall be no trespassing upon the premises at other hours.

1.601-12 FISHING REQUIREMENTS

A. It shall be unlawful to fish in the City Lakes except from the times set forth each year by the Board of Aldermen.

B. The method of fishing allowed shall be limited to three hand poles (including rod and reel). All other methods are prohibited. The use of carp, buffalo, and gold fish minnows is prohibited.

C. The Mayor and Board of Aldermen at the regular meeting in the month of November each year, shall set by resolution the permit fee for fishing; the length, kind and number of fish allowed to be taken by each permit holder; when the season is to begin and end; and such other rules as they deem necessary thereto, and shall publish the same in a newspaper and have such rules on the fishing permit or in a separate pamphlet.

1.601-13 FROG HUNTING REQUIREMENTS

Frog hunting shall only be lawful during the season provided by state laws, and the method of frogging limit shall be the same as the State laws, except that no gun shall be used. A fishing permit is required for frog hunting.

1.601-14 BOATING REQUIREMENTS

A. No boat shall be allowed on the waters of the City lakes without a boat permit. Boat permits can be purchased at City Hall during normal business hours. A City Boat Permit must be available for inspection by authorized City Staff or Missouri Department of Conservation staff any time while operating on the City Reservoir. All boat permits shall terminate on the same day that fishing permits for such year expire and all boats shall be removed from City property on said date. No boat permit shall be prorated for a part of a year. The minimum length of boats shall be ten feet, except that coast guard approved boats constructed of flotation type material of less than ten feet are also allowed. No rubber boats shall be allowed on the Lake waters. .

B. All boats used on the City Reservoir shall be licensed and operated in accordance with Missouri State Boating Statutes.

C. Motor boats shall be operated in such a manner as to leave no wake or wave action. All boats shall be equipped with at least one approved life preserver per passenger.

D. All persons operating boats upon the City Lakes shall do so in a safe and prudent manner, as to the safety of persons within such boats and as to persons in other boats. Overloading any boat and operating motor driven boats at such speed so as to create waves that endanger the lives of other boaters or interfere unduly with fishing along the shoreline are not permitted. No person shall operate any boat at an excessive speed or race with other boats in any manner whatsoever; except under special permission of the City to hold public exhibitions upon said Lakes. The City of Odessa shall not be responsible to any permit holder or other person for injury or damage to property due to accident occurring on the City Lakes or surrounding premises.

E. Defective or unsafe boats shall not be permitted on Lake waters.

F. Rental of boats for hire is not permitted.

G. The Mayor and Board of Aldermen at the regular meeting in the month of November of each year, shall set by resolution the permit fee for boats and boats with motors and such other rules as they may deem necessary, and shall have such rules on the boat permits or in a separate pamphlet.

H. Pontoon boats are allowed on the City lake provided they do not create a wake or remain on the lake overnight.

1.601-15 PERMISSION TO ERECT DOCKS OR POSTS

No dock, post, or other erection of any kind shall be constructed, erected or placed in or upon the Lake waters or surrounding lands of the City Lakes, without special permission of the City. Any person receiving such special permission shall not construct, place, or erect any post or other erection except as is provided in such special permission.

1.601-16 HUNTING

A. It shall be unlawful for any person to hunt waterfowl on the City Lake property except as hereinafter provided. No person shall hunt waterfowl on said premises except from duck blinds, and no duck blind shall be erected except at locations designated by the Public Works Director. The blind permit fee shall be fifty dollars for each blind per season. The blind permit fee of fifty dollars shall be refunded to a member of the group if the blind is removed from the Lake property within fifteen days after closing of the waterfowl season. The City shall destroy all blinds not removed within said fifteen days. More than one person shall join together to obtain a blind, but not to exceed ten persons. All persons hunting waterfowl on the Lake property shall register with the City Clerk and shall pay a fee of $7.50 per person. After the blind selection, a person may join a group by paying the fee of $7.50, and having the permission of the group in which blind he/she wishes to hunt.

B. The City of Odessa, Missouri reserves the right to close said City Water Reservoir and Lake to hunting at any time that the Board of Aldermen at its discretion shall deem that the same be done, irrespective of the issuance of any permits hereafter, this reservation of right being a part of the granting of said permit.

C. It is understood that any person applying for and receiving a permit under the terms and provisions hereof shall accept the premises of said City where they shall hunt to be in the condition that they exist at the time of and use thereof, including but not limited to the period of time when any blind may be constructed or removed, and the recipient and holder of said permit agrees to save said City harmless with reference to the use of any permit rendered hereunder and its use by the recipient hereof or any person or any other person using the same.

1.601-17 KEY TO LAKE GATE

The City of Odessa shall furnish one key on request to the gate to the Lake Road to landowners adjacent to the Lake property. However, the City of Odessa, Missouri reserves the right to keep the gate opened or locked at the City's discretion.

Should the holders of the keys or the users of the Lake Road become a nuisance or fail to keep the gate locked as designated by the City, the key shall be returned and the permit revoked.

1.601-18 PENALTY PROVISION

Violation of any of the provisions of this ordinance shall be punished by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days (RSMo. 79.390)

1.601-19 FISHING AND HUNTING SEASONS AND TIMES

The fishing season at the Odessa City Lakes shall be year round from 6:00 a.m. until 11:00 p.m. each day except during waterfowl season as set each year by the Missouri Department of Conservation. During said waterfowl

season, times for fishing shall be 1:00 p.m. until 11:00 p.m. each day. Hunting during waterfowl season shall be from 30 minutes prior to sunrise until 1:00 p.m. each day as regulated by the Missouri Department of Conservation [MO 3CSR 10-12.125 1(H)]

LAKE VENITA REGULATIONS

1.602-1 TRESPASSING

No person shall trespass upon the property surrounding or the waters of Lake Venita except as hereinafter provided.

1.602-2 DOGS RUNNING AT LARGE

All dogs shall be restrained by their owner in accordance with Odessa City Ordinance 2.708 (a). No dog shall be permitted to enter the waters of Lake Venita. Owners will be held responsible for the actions of their dogs.

1.602-3 SWIMMING OR WADING

No person shall bathe, swim or wade in the waters of Lake Venita.

1.602-4 DUMPING

No person shall dump or throw trash, rubbish or any other substance on the property surrounding or the waters of Lake Venita.

1.602-5 ENTRANTS TO COMPLY WITH REGULATIONS

All persons entering upon the property surrounding Lake Venita shall conduct themselves in an orderly and prudent manner, shall comply with all the orders of the Odessa Police Department and the Odessa Parks & Recreation Department and shall comply with all the rules and regulations under which each person is permitted to enter upon said premises or waters.

1.602-6 INTOXICATION, PROFANITY AND VANDALISM

Intoxication, use of profane language and acts of vandalism are prohibited. Persons committing acts of vandalism, destruction of property and indecent behavior shall be subject to fine as hereinafter provided and may be ejected from the premises, temporarily or permanently.

1.602-7 FIREARMS

No person shall carry a firearm onto the property surrounding or the waters of Lake Venita, except as allowed by Missouri State statute. No person shall discharge a firearm while on the property surrounding or the waters of Lake Venita.

1.602-8 BOATING AND FISHING PERMIT REQUIREMENTS

A. City of Odessa boating and fishing permits are not required for persons using Lake Venita.

B. Persons utilizing Lake Venita for the purpose of fishing shall have in their possession a current Missouri State fishing license as required by Missouri State fishing regulations, and furthermore, agree to comply with all Missouri State fishing and wildlife codes.

1.602-9 BOATING REQUIREMENTS

A. The minimum length of boats shall be ten feet, except that coast guard approved boats constructed of flotation type material of less than ten feet are also allowed. No rubber boats shall be allowed on Lake Venita.

B. All boats used on Lake Venita shall be licensed and operated in accordance with Missouri State boating statutes.

C. The use of motors on Lake Venita is prohibited, except electric trolling motors.

D. All persons operating boats upon Lake Venita shall do so in a safe and prudent manner, as to the safety of persons within such boats and as to persons in other boats. The City of Odessa shall not be responsible to any boat operator or other person for injury or damage to property due to accidents occurring on Lake Venita or the surrounding property.

E. All boats shall be equipped with at least one approved life preserver per passenger.

.F. Defective or unsafe boats shall not be permitted on the waters of Lake Venita.

1.602-10 DOCKS AND OTHER STRUCTURES

No dock, post or other structure of any kind shall be constructed, erected or placed in or upon the waters of Lake Venita and its surrounding property, without special permission of the Mayor and Board of Aldermen.

1.602-11 HUNTING

No person shall hunt on the waters of Lake Venita or its surrounding property, except Frog Hunting as permitted by City Ordinance 1.602-12.

1.602-12 FROG HUNTING REQUIREMENTS

Frog hunting on Lake Venita is permitted in accordance with the Missouri State wildlife code, except that no firearm shall be used.

1.602-13 PENALTY PROVISION

Violation of any of the provisions of this ordinance shall be punished by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days (RSMo. 79.390)

SECTION 1.700: PURCHASING POLICY

Purchasing, in your capacity, is a privilege, not a right. Acknowledging this, it is important to note that every City or Parks associate, appointed or elected, is charged with the responsibility to utilize the resources of the City or Parks in a way that serves the best interests of the collective community.

All purchases must be made according to the following procedure (Parks Department procedures will be exactly the same unless otherwise noted):

1. All purchases shall be solicited in the most expedient manner with due regard for competitive prices and quality and in accordance with purchasing approval limits and bidding guidelines.

City Policy	Parks Department Policy
2. All purchases, not made by credit card or credit account, require a purchase order *prior to placing the order for materials, supplies, or equipment*, unless approved by the City Administrator for good reason or the Mayor in times of emergency.	2. All purchases, not made by credit card or credit account, require a purchase order *prior to placing the order for materials, supplies, or equipment*, unless approved by the Park Director for good reason or the Park Board President in times of emergency.

3. The requesting individual will complete a requisition form for approval at the appropriate level:

City Policy	Parks Department Policy
• Department supervisors may approve purchases up to $5,000.00 by their authority. Purchases at this level require three (3) documented[1] bids except where items are less than $750.00 individually, or a combination thereof, and as per the adopted purchasing, credit card, and bidding policy of the City.	• Department supervisors may, with the approval of the Park Director, approve purchases up to $5,000.00 by their authority. Purchases at this level require three (3) documented[1] bids except where items are less than $750.00 individually, or a combination thereof, and as per the adopted purchasing, credit card, and bidding policy of the City.

• All purchases exceeding $5,000.00, but not more than $10,000.00, require the approval of the City Administrator and require three (3) written[1] bids as per the adopted bidding policy of the City.	• All purchases exceeding $5,000.00, but not more than $20,000.00, that are within budget, require the approval of the Park Director and Park Board President and require three (3) written[1] bids as per the adopted bidding policy of the City.

• Under normal circumstances[2], all purchases exceeding $10,000.00 require the approval of the Board of Aldermen and require three (3) written bids as per the adopted bidding policy of the City.	• Under normal circumstances[2], all purchases exceeding $20,000.00 require the approval of the Park Board and require three (3) written bids as per the adopted bidding policy of the City.

• Under normal circumstances[2], all purchases exceeding $40,000.00 require the approval of the Board of Aldermen and require open solicitation of bids to be advertised in the City's official newspaper for a period of, at least, 14 days. Any open solicitation of bids will conform to the adopted bidding policy of the City.	• Under normal circumstances[2], all purchases exceeding $40,000.00 require the approval of the Park Board and require open solicitation of bids to be advertised in the City's official newspaper for a period of, at least, 14 days. Any open solicitation of bids will conform to the adopted bidding policy of the City.

• All budgeted capital outlay purchases or projects of at least $5,000.00 but less than $10,000.00 require the "second-opinion" approval of the City Administrator and amounts more than $10,000.00 require the approval of the Board of Aldermen[3].	• All budgeted capital outlay purchases or projects of at least $5,000.00 but less than $20,000.00 require the "second-opinion" approval of the Park Director and Park Board President and amounts more than $20,000.00 require the approval of the Park Board[3].

- For accounting purposes, the City uses $5,000.00 as a minimum capital expenditure, where classified.

4. Requisitions will be forwarded to the Finance department for issuance of purchase order.

5. Completed purchase orders and requisitions will be returned to the department supervisor or his/her designee to make the purchase.
6. The department supervisor or his/her designee shall retain the requisition, purchase order, and packing slips until items are received. When partial shipments are made, the department supervisor or his/her designee shall forward the requisition, purchase order, and packing slips to the Finance department for payment. Successive packing slips for the order shall be forwarded to the Finance department as soon as possible after order is received. The department supervisor or his/her designee shall sign off on the purchase order acknowledging that all items have been received in good order.

7. All property book items shall be entered into inventory immediately upon receipt. Property book items include: Equipment items exceeding $500.00 in cost (communications equipment, weapons, power tools, office equipment, and furnishings). Inventory information should include the item type, purchase order number or credit card receipt date, model and serial number, and departmental location for which the item is intended and can be found.

City Policy	Parks Department Policy
8. All requisitions for travel/training, outside the state of Missouri, must	8. All requisitions for travel/training, outside the state of Missouri, must

be submitted at least ten (10) business days prior to the scheduled travel/training where possible. The City Administrator must approve all travel/training requests when travel is to be outside the state. Failure to follow this directive will result in non-payment of travel/training request.	be submitted at least ten (10) business days prior to the scheduled travel/training where possible. The Park Director and Park Board President must approve all travel/training requests when travel is to be outside the state. Failure to follow this directive will result in non-payment of travel/training request.

9. Any unique purchasing situation which does not have clear policy guidance will be approved at the discretion of the City Administrator or the Board of Alderman, and in conjunction with their respective approval authority.	9. Any unique purchasing situation which does not have clear policy guidance will be approved at the discretion of the Park Director, Park Board President, or the Park Board, and in conjunction with their respective approval authority.

10. Abuse of privileges related to purchasing may be grounds for immediate loss of privileges and/or dismissal from employment. Diversion of any City-owned asset for personal use, in any form, will be cause for dismissal at the discretion of the City Administrator and may be subject to criminal prosecution.	10. Abuse of privileges related to purchasing may be grounds for immediate loss of privileges and/or dismissal from employment. Diversion of any City-owned asset for personal use, in any form, will be cause for dismissal at the discretion of the Park Director and the Park Board President and may be subject to criminal prosecution.

([1] - See bidding policy)
([2] - See *Emergency Purchases* clause in bidding policy)
([3] - This clause serves as a safety mechanism to ensure need is still present and resources are available to allow the purchase)

SECTION 1.701: CREDIT CARD / CREDIT ACCOUNT POLICY

City Policy	Parks Department Policy
City-issued credit cards are made available to department heads, and other management staff as a convenient and efficient way to handle the smaller day-to-day purchases of each department.	Park-issued credit cards are made available to the Park Director, as a convenient and efficient way to handle the smaller day-to-day purchases of the Park department.
All purchases made by any City-issued credit card (e.g. Visa, MasterCard, Sam's Club, gasoline, other, etc.) or City credit account (signature account), will adhere to the adopted purchasing policy of the City of Odessa and the following rules:	All purchases made by any Park-issued credit card (e.g. Visa, MasterCard, Sam's Club, gasoline, other, etc.) or Park credit account (signature account), will adhere to the adopted purchasing policy of the City of Odessa and the following rules:
1. Any purchase on any City-issued credit card or City credit account must be for City-related business only. There should be no personal business conducted using a City-issued credit card or credit account.	1. Any purchase on any Park-issued credit card or Park credit account must be for Park-related business only. There should be no personal business conducted using a Park-issued credit card or credit account.
2. For individual departments, any single purchase of more than $1,500.00 must be made via City check, or existing credit account, and utilize the requisition/purchase order process with the appropriate approvals unless approved by the City Administrator.	2. For individual departments, any single purchase of more than $1,500.00 must be made via City check, or existing credit account, and utilize the requisition/purchase order process with the appropriate approvals unless approved by the Park Director.
3. All purchases on any City-issued credit card or City credit account must include a receipt showing purchase item, amount, location, and date purchased. The employee making the purchase should print his/her name on the receipt in an area easily readable yet not obstructing other vital	3. For individual departments, any single purchase of more than $1,500.00 must be made via City check, or existing credit account, and utilize the requisition/purchase order process with the appropriate approvals unless approved by the Park Director.

information.	

a. All receipts will be turned over to the Finance department for matching to the credit card bill within ten (10) business days of purchase. Receipts not submitted may be cause for disciplinary action and/or loss of purchasing privileges.

b. Any packing slips, manifests, or other billing documents, must be signed by the department supervisor or his/her designee and turned over to the Finance department within 10 business days of receipt.

c. In the case where a receipt may not be practical or available, the employee making the purchase must provide a written explanation as to where the item was purchased, what was purchased, date of purchase, and item price. His/her department head must sign off on the explanation prior to turning the explanation in to the Finance department.

City Policy	Parks Department Policy
4. All department heads or their designees are responsible for coding purchases made by any City-issued credit card or credit account prior to turning in the receipt. The Finance department can provide an updated list of account numbers for specific departments for use in coding.	4. All department heads or their designees are responsible for coding purchases made by any Park-issued credit card or credit account prior to turning in the receipt. The Finance department can provide an updated list of account numbers for specific departments for use in coding.
5. Abuse of privileges related to credit card, or credit account, use may be grounds for immediate loss of privileges and/or dismissal from employment. Diversion of any City-owned asset for personal use, in any form, will be cause for dismissal at the discretion of the City Administrator and may be subject to criminal prosecution.	5. Abuse of privileges related to credit card, or credit account, use may be grounds for immediate loss of privileges and/or dismissal from employment. Diversion of any Park-owned asset for personal use, in any form, will be cause for dismissal at the discretion of the Park Director and Park Board President and may be subject to criminal prosecution.

SECTION 1.702: COMPETITIVE BIDDING POLICY

When the City, or Parks Department, negotiates any purchase, sale, or other contract, there shall be provided ample opportunity for competitive bidding in the following manner (Parks Department procedures will be exactly the same unless otherwise noted):

1. All bids shall be solicited in the most expedient manner with due regard for competitive prices and quality and in accordance with purchasing and bidding guidelines.

2. If the consideration is not more than $5,000.00, at least three (3) documented bids shall be solicited except where item/service purchased is less than $750.00 individually, or a combination thereof. The lowest or best bid with proper qualifications shall be accepted[1].

Documented bids should include vendor contact information, item/service to be purchased, and complete price. Documented bids can include, but are not limited to, any three (3) of the following, or a combination thereof:

- Verbal quotes (by telephone or otherwise)
- Current Retail or Wholesale catalogs
- Current Internet advertisements
- Other current advertisements
- Separate, written, bids on official vendor letterhead

3. If the consideration is for more than $5,000.00 but less than $40,000.00, at least three (3) written bids shall be solicited, from which the lowest or best bid with proper qualifications shall be accepted.

   Written bids are much the same as documented bids with the exception that written bids will not include telephonic, or other verbal, quotes. All written bids should include vendor contact information, item/service to be purchased, and complete price.

   - Most high-dollar, written bids are submitted on company letterhead and are certified by a representative of the company. Written bids can come from current catalogs or advertisements so long as copies of bid items in said media are provided.

City Policy	Parks Department Policy
4. If the consideration is for more than $40,000.00, formal sealed bids shall be received[2]. Whenever possible, at least three (3) bids shall be obtained. The Board of Aldermen shall award the contract or approve the purchase.	4. If the consideration is for more than $40,000.00, formal sealed bids shall be received[2]. Whenever possible, at least three (3) bids shall be obtained. The Park Board shall award the contract or approve the purchase.

5. All items requiring three bids must be of the same specification from different vendors. Items do not necessarily have to be of the same brand so long as their specification is the same with due regard for competitive prices and quality. Any bid that does not conform to this policy will be rejected and another, like item bid will be required before approval.

6. Services regularly used to maintain equipment or other assets require an annual review (on, or about, October 1st) of at least three (3) separate vendors to ensure competitive pricing. This does not preclude any manager, when they know of a better price at any time during the year, to purchase said service at the lesser price with due regard for competitive prices and quality.

7. Individual contracts or purchases shall not be subdivided for the purpose of evading the requirement of competitive bidding.

City Policy	Parks Department Policy
8. Abuse of the adopted bidding policy may be grounds for immediate loss of privileges and/or dismissal from employment at the discretion of the	8. Abuse of the adopted bidding policy may be grounds for immediate loss of privileges and/or dismissal from employment at the discretion of the

City Administrator.	Park Director and Park Board President.

Notice

Notice inviting bids of $40,000.00 or more shall be published at least once in the official newspaper of the City within 14 days preceding the last day set for receipt of proposals. The newspaper notice required herein shall include a general description of the items to be purchased, shall state where bid blanks and specifications may be secured and the time and place for opening bids.

Sealed bids shall be solicited from all responsible prospective suppliers who have requested that their name be added to the Bidder's List, by sending them a copy of such newspaper notice or such other notice as will acquaint them with the proposed purchase.

City Policy	Parks Department Policy
Sealed bid invitations shall also be advertised by posting notice on the public bulletin board at City Hall and on the City's website, where applicable.	Sealed bid invitations shall also be advertised by posting notice on the public bulletin board at City Hall and on the City, and Parks Department, website where applicable.

Bid Opening

Bids, of $40,000.00 or more, shall be submitted sealed to the City and shall be identified as bids on the envelope. They shall be opened in public at the time and place stated in the public notices. Bid tabulation is to be maintained with the bid file.

Lowest and Best Bidder

The City, or Parks Department, reserves the right to reject any or all bids. Contracts shall be awarded to the lowest and best bidder. Bids shall not be accepted from, nor contract awarded to, a contractor who is in default on the payment of taxes, licenses, or other monies due to the City. In determining the "lowest and best bidder," in addition to prices, the following shall be considered:

1. The ability, capacity, and skill of the bidder to perform the contract or provide the service required.

2. Whether the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference.

3. The quality performance of previous contracts of service.

4. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.
5. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.

6. The quality, availability, and adaptability of the supplies or contractual services to the particular use required.

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

8. The number and scope of conditions attached to the bid.

Justification of Award

City Policy	Parks Department Policy
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 made to the Board of Aldermen prior to awarding the contract.	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 made to the Park Board prior to awarding the contract.

The Bids

If all bids received or the lowest bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to the local bidder. In the case of multiple local bidders, providing equal price, quality and service, a coin toss will decide the award.

Emergency Purchases

City Policy	Parks Department Policy
In case of an apparent emergency, which requires immediate purchase of supplies or contractual services exceeding $10,000.00 in total cost, the Mayor may authorize the purchase, at the lowest obtainable price, or any supplies or contractual service. A full explanation of the circumstances of an emergency purchase shall be made to the Board of Aldermen.	In case of an apparent emergency, which requires immediate purchase of supplies or contractual services exceeding $20,000.00 in total cost, the Park Director and Park Board President may authorize the purchase, at the lowest obtainable price, or any supplies or contractual service. A full explanation of the circumstances of an emergency purchase shall be made to the Park Board.

Cooperative Procurement

City Policy	Parks Department Policy
The City shall join with other units of government in cooperative purchasing plans when the best interest of the City would be served and upon approval of the Board of Aldermen.	The Parks Department shall join with other units of government in cooperative purchasing plans when the best interest of the Parks Department would be served and upon approval of the Park Board.

([1] - See #6 – Competitive Bidding)

([2] - See Notice – In bidding policy)

SECTION 1.703: TRAVEL / TRAINING POLICY

Meals

Meals purchased while on official City, or Parks Department, business will be reimbursed at the actual expense. The maximum daily amount for meals is $39.00 including taxes and tips for the surrounding area less than 100 miles in distance from Odessa. For partial days (e.g. Official business where a meal would be necessary), use the following breakdown (Parks Department procedures will be exactly the same unless otherwise noted):

Breakfast: $ 9.00
Lunch: $13.00
Dinner: $17.00

1. If you are away from the surrounding area (more than 100 miles one way) the General Services Division (GSA) per diem rate will apply as the daily rate for meals. The breakdown shown above will not apply.

   The website with the average domestic per diem rates is found at http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentType=GSA_BASIC&contentId=17943. Click on the state and the nearest city to your destination, many are listed. If you do not pursue the per diem rate outside the area, the $39.00 per day rate will apply. Employees will need to print a copy of the current per diem rate and attach the copy to their expense report upon their return from their travel.

2. If you depart for travel/training before 7:00 a.m. local time, breakfast may be included. If you arrive home after 7:00 p.m. local time, dinner may be included.

3. No reimbursement will be made for meals provided in the conference/meeting cost. All meal costs will be supported by receipts to obtain reimbursement.

4. Cash advances or reimbursement to cover reasonable anticipated expenses (e.g. licensing fees, books, manuals, taxi cab, bus fare, parking fees, etc) may be made to employees after travel has been approved and a requisition submitted with the signature of the employee, department head, and City Administrator.

5. With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Liability insurance, and any additional costs for the family member or friend, is the responsibility of the employee. Generally, employees may be permitted to combine personal travel with business travel, so long as additional time away from work (Vacation, Comp time or Holiday) is approved prior to departure. Additional expenses arising from such non-business travel are the responsibility of the employee.

6. Abusing business travel, including falsifying expense reports to reflect cost not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

Mileage

City Policy	Parks Department Policy
If an appropriate City vehicle is available, it must be used or mileage will not be reimbursed unless prior approval is obtained. If a personal vehicle is used, the City will not assume the liability on the vehicle.	If an appropriate Park vehicle is available, it must be used or mileage will not be reimbursed unless prior approval is obtained. If a personal vehicle is used, the Parks Department will not assume the liability on the vehicle.

The City, or Parks Department, will pay mileage reimbursement at the current rate as adopted.

1.704.1 COUNCIL/PARK BOARD APPROVAL REQUIRED

City Policy	Parks Department Policy
1. The sale of City property requires prior approval of the City Administrator and in accordance with Subsection 1-108.5(M) of the Code of Ordinances.	1. The sale of Park Department property requires prior approval of the Park Director with the consent and direction of the Park Board.
2. Abuse of privileges related to disposal of surplus supplies may be grounds for immediate loss of privileges and/or dismissal from employment. Diversion of any City-owned asset for personal use, in any form, will be cause for dismissal at the discretion of the City Administrator and may be subject to criminal prosecution.	2. Abuse of privileges related to disposal of surplus supplies may be grounds for immediate loss of privileges and/or dismissal from employment. Diversion of any Park-owned asset for personal use, in any form, will be cause for dismissal at the discretion of the Park Director and the Park Board President and may be subject to criminal prosecution.

1.704.2 AVOIDANCE OF CONFLICTS

No employee of a disposing department may directly or indirectly purchase or agree with another person to purchase surplus or excess materials if the employee is, or has been, directly or indirectly involved in the purchase, disposal, maintenance, operation or preparation for sale of the surplus or excess material.

City Policy	Parks Department Policy
1. The City Administrator is authorized to waive this prohibition when the sale of surplus stock is implemented by competitive sealed bidding or by	1. The Park Director is authorized to waive this prohibition when the sale of surplus stock is implemented by competitive sealed bidding or by

public auction.	public auction.

1.704.3 AUCTIONS

Auctions are an acceptable alternative to soliciting sealed bids. Auctions may be of the traditional type or "silent auctions" that allow bidders to see what others are bidding and to then change their written bids. The use of an auction company is authorized to facilitate the sale of surplus stock.

1.704.4 SALE PROCEEDS

All monies received from any sale of surplus property will be given over, with receipt, to the Finance Department for deposit into the appropriate City or Park account(s) within one (1) business day of receipt of funds.

The property book will be updated, if appropriate, to show the sale of any item which previously appeared therein, date of sale, and amount received.

CONTRACT GUIDELINES

1.800 EXECUTION AND FORM OF CONTRACTS

No contract shall be made by the City, or on behalf of the City, unless the same shall be within the scope of its powers or be expressly authorized by law, nor unless such contract shall be made upon a consideration wholly to be performed or executed subsequent to the making of the contract; and such contract, including the consideration, shall be in writing and dated when made, and shall be subscribed by the Mayor and attested by the City Clerk or other officer of the City, thereunto authorized by ordinance. (RSMo 432.070)

1.801 DUPLICATE COPY OF CONTRACTS

In every case of contract entered into by the City or by an officer or agent on its behalf, duplicate copies of the same shall be executed as herein provided, one of which shall be filed in the office of the City Clerk and shall not be taken thence except to be used for the purpose of evidence in some legal matter or cause; and in case of variance between such copies, the one on file shall control in the construction of the contract. (RSMo 432.080)

1.802 BOND FOR PUBLIC WORKS CONTRACTORS

It is hereby made the duty of the Mayor and Board of Alderman, in making contracts for public works of any kind to be performed for the City, to require every contractor for such work, to execute a bond to the City, with good and sufficient sureties, and in an amount to be fixed by the Board of Alderman by ordinance, and such bond, among other conditions, shall be conditioned for the payment of material, lubricants, oil and gasoline used in or consumed in the construction of such work and for all labor performed in such work, whether by subcontractor otherwise. (RSMo 107.170)

DEPOSITORY BANK

1.900-1 DEPOSITORY BANK DESIGNATION

That the Bank of Odessa, Odessa, Missouri and the First Central Bank, Odessa, Missouri are hereby designated the depository banks for all deposited funds of the City of Odessa, Missouri. (RSMo 95.355)

1.901 PURCHASES THROUGH THE MISSOURI COOPERATIVE PROCUREMENT PROGRAM

Employees, with the proper authorization by the Board, be allowed to make purchases through the State of Missouri Cooperative Procurement Program. (RSMo 67.360-67.390)

1.902 ALLOWANCE AND PAYMENT OF CLAIMS AGAINST THE CITY

A. Account of Claim. Whenever the City shall become indebted to any person in any sum of money, the auditing and payment of which is not otherwise provided for, the claimant shall make out an accurate and detailed account thereof in writing and give the same to the City Clerk, to be by him/her presented to the Auditing Committee.

B. Auditing Committee; Duties. The Mayor shall annually appoint an Auditing Committee at the time and in the manner provided for the appointment of other committees. It shall be the duty of said auditing committee to carefully examine all claims presented for payment as provided in the preceding section, and if such claims shall be just the committee shall endorse thereon their certificate that they have carefully examined the same, and find it to be correct and just.

C. Indebtedness of Claimant to City. The City Clerk shall at all times have access to the books of the City Collector, and shall diligently examine the same and ascertain the amount which may be due to the City from such claimant for taxes, licenses or upon any other account whatever; and the Collector shall afford all information in his/her power which shall be necessary for that purpose, and the City Clerk shall endorse the amount of the indebtedness of such claimant, if any, to said city, upon such claim.

D. Payment of Claim. It shall be the duty of the Board of Aldermen to carefully examine every claim, and the certificates and endorsements thereon, and if the same be found just and correct, shall allow the same and order a warrant to be issued by the Mayor and countersigned by the City Clerk, with the seal of the City affixed thereto, in favor of such claimant, payable out of the City treasury. No claim shall be paid or allowed which has not been certified by the auditing committee in the manner herein provided, and no warrant shall be issued for the payment of any claim until all debts for taxes, licenses, or upon any other account, due to the City from such claimant shall have been paid.

E. Liability for Breach of Duties. The City Clerk and the City Collector shall be held liable to indemnify the City for loss arising from a breach of their respective duties as imposed by this ordinance.

CHAPTER 2

THE POLICE CODE

Published 6/25/12

CHAPTER TWO
POLICE CODE

DEPARTMENT REGULATIONS

2.000 QUALIFICATIONS FOR POLICE OFFICERS

All police officers shall be between the ages of twenty-one (21) years and sixty-five (65) years. They shall be of good moral character and not have been convicted of any felony. They shall be voters under the laws and Constitution of the State. They shall be able to write legibly and be able to furnish at least three (3) good character references. A written examination for any applicant for police officer for the City shall be discretionary with the Board of Aldermen. At the time of appointment, no person shall be appointed a police officer who is not a bona fide resident of the State of Missouri. Any police officer so employed need not reside within the City of Odessa; however, preference shall be given to those who reside or relocate during the probationary period within the City Limits. All police officers who regularly work more than thirty-two (32) hours a week must comply with the provisions of Chapter 590, R.S.Mo., Selection and Training of Peace Officers. Any police officer so employed shall upon appointment qualify for a bond in the sum of ten thousand ($10,000) dollars. [RSMo 71.200, 71.210, 79.250, 85.005, Chapter 590]

2.001 COMPENSATION

The salaries of police officers of the City of Odessa, Missouri shall be set by the Board of Aldermen and kept on file with the City Clerk. In addition, each policeman of said city shall be allotted a monthly stipend for the purpose of uniform cleaning. Said expense shall be paid the fifteenth of each month out of the police account.

2.002 APPOINTMENT OF SPECIAL OR RESERVE POLICEMEN

The Mayor shall have the power whenever he shall deem it necessary for the protection of the city, the maintenance of good order, observance of law, and the enforcement of the City ordinances, to appoint one or more special or reserve policemen, who shall serve for such time as the Mayor may deem necessary. Such special or reserve policemen shall take and subscribe to the oath of office required by this code for city officers. All special or reserve policemen appointed by the Mayor shall be under the control and direction of the Mayor or the Chief of Police and shall receive such compensation as may be directed by the Board of Aldermen.

2.003 CALLING OF SPECIAL OR RESERVE POLICEMEN

The Mayor, Chief of Police or acting Chief of Police, or Fire Chief shall have the power to call special or reserve policemen to active duty as extra policemen for the protection of the city, maintenance of good order, observance of law, and the enforcement of city ordinances. Said special or reserve police shall have authority to make arrests and enforce the ordinances only while on active duty pursuant to a call by one of the above mentioned officials of the City of Odessa.

2.004 ASSIGNMENTS OF PATROLMEN

Assignment of a patrolman is at the discretion of the Chief of Police. For the purpose of this article all police, including the Chief of Police, are considered patrolmen.

2.005 HOURS OF DUTY

A. ALWAYS ON DUTY

Although certain hours are required for the performance of duty on ordinary occasions, members must be prepared at all times to act immediately on notice that their services are required. Members of the department shall be considered as always on duty for the purpose of discipline. The hours of duty will be regulated by the Chief of Police.

B. MEMBERS ON DUTY TO PRESERVE PEACE DAY AND NIGHT.

Although regular hours of duty shall be assigned to all members of the department, it shall be the duty of every officer of the city, at all times, day or night, within the city to preserve the public peace, protect the rights of persons and property, guard the public health, preserve order at all elections and public assemblies; prevent and remove, if possible, nuisances on and in all streets, highways, areaways, and other places, and enforce the criminal law of the State of Missouri and the

ordinances of the City of Odessa.

2.006 DUTIES

Each member of the department shall:

1. Be familiar with every part of town, observing anything unusual to assist in the prevention of crime. Examine all doors and windows of stores and industrial buildings at night and report any that are not properly secured.

2. Report whenever he has reasonable grounds to suspect that any building or part thereof is being used in violation of the law or is the resort for persons of known bad character and be prepared to give information relative to the nature of business conducted by firms on his beat.

3. Police vehicles may not leave the corporate city limits of the City of Odessa except in the following instances:

   a. When so approved or ordered by the Mayor or the Chief of Police.

   b. When requested to assist any police officer or police agency on an actual emergency.

   c. When attempting to arrest an actual or suspected violator of a city ordinance or state law.

   d. When investigating an offense that occurred within the corporate City Limits of Odessa or on any property belonging to the City of Odessa.

   e. When transporting a prisoner to the Lafayette County Jail at Lexington.

   When the police vehicle leaves the corporate city limits of Odessa, under one of the exceptions noted above, the police officer must notify the Chief of Police or an alternate police officer so that an officer is on duty within the corporate city limits of Odessa at all times.

   Upon the return of the vehicle to the corporate city limits of Odessa, the police officer must file a written report with the Chief of Police stating the nature of the absence, the length of time absent, and mileage driven during this absence. This report will be kept on file by the Chief of Police and will be made available to the Mayor or Board of Aldermen upon request.

4. Be held responsible for the care and operating condition of the vehicle assigned to him. Each police officer shall note on his daily activity report any and all maintenance problems that should be corrected. Such problems should be brought to the immediate attention of the Chief of Police. Care and maintenance of the police vehicles are to be under the supervision of the Chief of Police.

5. Go instantly to the scene of any disturbance or breach of the peace occurring within his vicinity, use his best effort to restore peace and quiet, making such arrests as may be necessary, and notify and make necessary reports to the Police Department.

6. Enforce all ordinances in addition to his other duties.

2.006-1 MEMBERS SHALL WORK TOGETHER AND NOT SHIRK DUTY

Every member of the department is expected to discharge his duties with coolness and firmness in all cases. In times of extreme peril, all available officers shall act together and assist and protect each other in restoring peace and order. Anyone shirking his duty in case of danger or responsibility in an emergency shall be considered unworthy of a place in the Odessa Police Department.

2.006-2 MEMBERS SHOULD USE JUDGMENT IN DISCHARGE OF DUTY

All members of the department shall particularly be careful not to interfere officiously or unnecessarily in the private

business of any person, but when required to act in the discharge of their duty they shall do so with energy and decision, and in the proper exercise of their authority, they will receive the fullest support of the Department.

2.007 STANDARD OF CONDUCT

Any of the following may be considered proper cause for the suspension or dismissal under charges of any member of the Police Department:

1. Drinking intoxicating liquor while on duty or in uniform.
2. Intoxication while either on or off duty.
3. Willful disobedience to any order lawfully issued to him.
4. Disrespect shown to the Mayor or an Alderman.
5. Incompetency to perform any of his duties.
6. Neglect of duty.
7. Making known any investigation or proposed movement of the department to any person not a member of the department or for discussing the affairs of the department.
8. Unnecessary and unwarranted violence to a prisoner.
9. Cowardice or lack of energy which may be construed as either incompetency or gross neglect of duty.
10. Sleeping while on duty.
11. Violating any of the rules of the Department.
12. Indecent, profane or harsh language while on duty or in uniform.
13. Absence without leave.
14. Conduct unbecoming an officer or a gentleman, whether on duty or off duty.
15. Conduct detrimental to the good order and discipline of the department.
16. Careless handling of city property, either fixed or movable.

2.007-1 CONDUCT AND DEPORTMENT

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

2.007-2 TRUTHFULNESS OF MEMBERS

All members of the department are required to speak the truth at all times, under all circumstances, whether under oath or not. If forbidden by the Rules of the department to divulge information, they will state "No Comment".

2.007-3 MEMBERS TO GIVE NAME

Any member of the department, when called upon to do so by any person under any circumstances, shall give his name

in a respectful and courteous manner.

2.007-4 BEARING

No member of the Department shall lean upon or place his foot on the car while issuing a ticket.

2.008 OPINIONS ON CONTROVERSIAL SUBJECTS

Officers shall refrain from discussing in public the merits or demerits of any Law, or the decisions or conduct of the Municipal Court of the City of Odessa.

2.009 CIVIL SUITS OF MEMBERS

Permission of the Board of Aldermen must be obtained before any member of the department files a civil suit for the collection of damages sustained while on duty.

2.010 TRANSPORTATION AND USE OF POLICE CARS

Police are not to use police cars except in discharge of their duties, as police. Police cars are not available for personal use.

2.011 TESTIMONY

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

2.012 LAW ENFORCEMENT OFFICER'S USE OF FORCE

A. A law enforcement officer need not retreat or desist from efforts to effect the arrest, or from efforts to prevent the escape from custody of a person he reasonably believes to have committed an offense because of resistance or threatened resistance of the arrestee. In addition to the use of physical force authorized under other statutes or ordinances, he is, subject to provisions of subsections 2 and 3, justified in the use of such physical force as he reasonably believes is immediately necessary to effect the arrest or to prevent the escape from custody. [R.S.Mo. 563.046]

B. The use of any physical force in making an arrest is not justified under this section unless the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful.

C. A law enforcement officer in effecting an arrest or in preventing an escape from custody is justified in using deadly force:

   1. When such is authorized under other ordinances or statutes; or

   2. When he reasonably believes that such use of deadly force is immediately necessary to effect the arrest and also reasonably believes that the person to be arrested:
      a.) Has attempted or committed or attempted to commit a felony; or

      b.) Is attempting to escape by use of a deadly weapon; or

      c.) May otherwise endanger life or inflict serious physical injury unless arrested without delay.

      d.) No officer shall willfully mistreat or use unnecessary violence toward any person, prisoner or otherwise.

2.013 MEMBERS TO BE FAMILIAR WITH RULES AND REGULATIONS

Each member of the department will be furnished with a copy of these rules and regulations which he shall keep in his possession, and shall be familiar with the contents.

2.014 RESPOND TO EMERGENCY SITUATIONS

Police officers of Odessa who have completed the basic police training program pursuant to Chapter 590 R.S.Mo. are hereby authorized to respond to emergency situations outside the City Limits of Odessa, Missouri when so approved or ordered by the Mayor or the Chief of Police or when requested to assist by another public safety agency. As used in this ordinance "emergency situation" means any unforeseen combination of circumstances or events involving danger or imminent danger to human life or property which requires immediate action.

LIQUOR LAWS

2.100 DEFINITIONS

For the purposes of this Subchapter, the following words and phrases shall have the meanings specifically ascribed to them by this section:

1. ***Intoxicating Liquor*** - 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 of mixtures for beverage purposes, containing an excess of one-half of one percent 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 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. [R.S.Mo. 311.020]

2. ***Malt Liquor and Light Wines*** - That intoxicating liquor manufactured from pure hops or pure extract of hops or pure barley malt or wholesome grains or cereals of three and two-tenths percent (3-2/10%) of alcohol by weight, but not in excess of five percent (5%) by weight, and commonly called and known as beer; or light wines containing not in excess of fourteen percent (14%) of alcohol by weight exclusively from grapes, berries and other fruits and vegetables. [R.S.Mo. 311.200 (3)]

3. ***Managing Officer*** - The person who is in active management and control who may be designated by the corporation as the managing officer.

4. ***Non-Intoxicating Beer*** - 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 by volume and not exceeding three and two-tenths percent (3-2/10%) by weight. [R.S.Mo. 312.010 (2)]

5. ***Original Package*** - Any package containing three (3) or more bottles of beer or non-intoxicating beer. [R.S.Mo. 311.200 (2), 312.010 (3)]

6. ***Premises*** - Any place where intoxicating liquor, malt liquor, or non-intoxicating beer is sold, and it may be one (1) room, a building comprising several rooms or that portion of any building in which a licensee hereunder has his place of business, and any additional building or portion thereof used in connection therewith, and the entire lot or parcel of land on which such buildings are situated, or which are used in connection with such building.

7. ***Restaurant Bar*** - Any establishment having a restaurant or similar facility on the premises at least fifty percent of the gross income of which is derived from the sale of prepared meals or food consumed on such premises or which has an annual gross income of at least two hundred thousand ($200,00.00) dollars from the sale of prepared meals or food consumed on such premises. [R.S.Mo. 311.097 (1)]

8. ***Resort*** - Any establishment having a least thirty (30) rooms for the overnight accommodation of transient guests, having a restaurant or similar facility on the premises at least sixty percent (60%) of the gross income of which is derived from the sale of prepared meals or food, or means a restaurant provided with special space and accommodations where, in consideration of payment, food, without lodging, is habitually furnished to travelers and customers, and which restaurant establishment's annual gross receipts immediately preceding its application for a license shall not have been less than seventy-five thousand ($75,000.00) dollars of such gross receipts from nonalcoholic sales. Any facility which is owned and operated as part of the resort may be used to sell intoxicating liquor by the drink for consumption on the premises of such facility and, for the purpose of meeting the annual gross receipts requirements of this subsection, if any facility which is a part of the resort meets such requirement, such requirement shall be deemed met for any other facility which is a part of the resort. [R.S.Mo. 311.095 (1)]

9. ***Sale by the Drink*** - The sale of any intoxicating liquor except malt liquor, in the original package, in any quantity less than 187 milliliters and when a sale is made, the container in every case shall be emptied and the contents thereof

served as other intoxicating liquors sold by the drink are served.

2.101 PERMIT REQUIRED

It shall be unlawful for any person to sell or expose for sale in the city any intoxicating liquor, malt liquor or non-intoxicating beer as the terms are defined in section 2.100 in any quantity, without first obtaining a license or permit therefor from the city. For purposes of this ordinance, the following classes of licenses and permit are hereby created: [R.S. Mo. 311.050, 311.095, 311.097, 311.220, 311.293, 312.030, 312.140]

A. For the sale of all intoxicating liquor, including malt liquor, in the original package not to be consumed upon the premises where sold.

B. For the sale of malt liquor and light wine by the drink at retail for consumption on the premises and for the sale in the original package of malt liquor not to be consumed upon the premises where sold.

C. For the sale of non-intoxicating beer by the drink at retail for consumption upon the premises.

D. For the sale by resort of intoxicating liquor by the drink at retail for consumption on the premises.

E. Any person licensed under this subchapter for the privilege of selling intoxicating liquor in the original package at retail who possesses the qualifications and meets the requirements of Section 311.200 of R.S.Mo. (1993) may apply for and the Board of Aldermen may, in its discretion, grant a license to sell intoxicating liquor in the original package at retail between the hours of 11:00 a.m. and midnight on Sundays. [R.S.Mo. 311.050, 311.095, 311.097, 311.220, 311.293, 312.030, 312.140]

2.101-1 PREREQUISITES FOR APPLICANTS

No person shall be granted a license hereunder unless such person is of good moral character, a qualified legal voter and tax paying citizen of a county, city, town or village nor shall any corporation shall be granted a license hereunder unless the managing officer of such corporation is of good moral character, a qualified voter and tax paying citizen of a county, city, town or village of this state; and no person shall be granted a license or permit whose license as such dealer has been revoked by the city or the state, or who has been convicted, since the ratification of the Twenty-First Amendment of the Constitution of The United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, malt liquor or non-intoxicating beer, or who employs in his business any person whose liquor license has been revoked or who has been convicted of violating the provisions of such law since the date aforesaid; provided, that nothing in this section contained shall prevent the issuance of licenses to nonresidents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler, within this State. [R.S.Mo. 311.060, 312.050]

2.101-2 APPLICATION

No license shall be issued to an applicant until the applicant shall submit, in writing, to the Board of Aldermen an application setting forth the kind of business the applicant desires to engage in and the location and place of business and such other information as the Board of Aldermen shall reasonably require, on a form to be furnished by the City Clerk.

Each applicant shall submit to being fingerprinted and the fingerprints forwarded to the State and Federal criminal records identification divisions. The fees associated with these criminal records checks shall be paid in advance by the applicant. {Ord. 2723 7/28/2008}

Each new application shall be submitted to the Chief of Police who shall conduct an immediate investigation of the statements contained in the application and file a written report of the findings of such investigation with the Board of Aldermen.

After a new application has been made and a license issued under this subchapter, the Board of Aldermen may, at any reasonable time, request a new investigation of the licensee and/or of the premises and the results of such subsequent investigation shall be reported to the Board of Aldermen.

2.101-3 ISSUANCE OF LICENSE; EXPIRATION DATE; RENEWAL

If the Board of Aldermen shall find that the applicant meets the prerequisites set out in section 2.101-1; and that the applicant plans and proposes to conduct business in compliance with the laws of the state and with this Code; and that the premises where the business is to be conducted is safe and sanitary, then the Board of Aldermen may authorize the issuance of a license to the applicant permitting him to conduct such business for a term expiring on the thirtieth day of June succeeding the date of such license unless such license shall be revoked, withdrawn or canceled before the expiration of such time. The Board of Aldermen shall have authority to renew or deny the license from year to year thereafter and to issue licenses to the successors of such person, as hereinafter provided. However, if business has not actually commenced retail sales in six months of issuance, the Board of Aldermen shall be allowed the privilege of revocation of the liquor license, and if such license, is actually revoked by the Board of Aldermen, the merchant will need to re-apply for such license. [R.S.Mo. 311.240, 311.060, 312.110]

2.101-4 LICENSES NOT TRANSFERABLE OR ASSIGNABLE; EXCEPTIONS; CHANGE OF OWNERSHIP OR CONTROL

A. No license issued hereunder shall be transferable or assignable except as herein provided. In the event of the death of a licensee, the widow or widower or the heirs at law of such deceased licensee, who shall meet the other requirements of this law, may make written application, and the Board of Aldermen may transfer such license or permit for the operation of the business of the deceased for the remainder of the period for which the license fee has been paid by the deceased. Whenever one (1) or more members of a partnership withdraws from the partnership, the Board of Aldermen, 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.

B. No person licensed under this ordinance shall make any change in the ownership, management or control of the licensed business without first filing with the Board of Aldermen a notice in writing of his intention to do so, with an affidavit listing the name and address of the prospective purchaser, or new manager or person to control such business, after which such prospective purchaser, or new manager or person to control may apply, in the same manner as provided in section 2.101-2 of this Subchapter, for the transfer of such license, and upon approval of the Board of Aldermen such license may be transferred for the period remaining to such purchaser. [R.S.Mo. 311.250, 312.130]

2.101-5 POSTING OF LICENSES

All licenses or permits issued under this subchapter shall be kept conspicuously posted on the premises for which said license is issued during the period of such license.

2.101-6 FEES

If the application for a license or permit under this ordinance is approved by the Board of Aldermen, the license shall be issued upon the payment of the license fee applicable to the particular class of license set forth in section 3.108 of the Code of Ordinances of the City of Odessa, Missouri.

2.101-7 LICENSE REQUIRED FOR EACH PLACE OF BUSINESS; LIMITATION ON NUMBER OF LICENSES PER PERSON

License shall be required for each place of business operated under this Subchapter, whether in the same building or not.

No person shall be issued more than three (3) licenses of any classification or combinations of classifications under this subchapter. [R.S.Mo. 311.240, 312.110, 311.260]

2.101-9 RESORT LICENSES

Any person who possesses the qualifications required by this subchapter, and who now or hereafter meets the

requirements of and complies with the provisions of this subchapter, may apply for a license to sell intoxicating liquor by the drink at retail for consumption on the premises of any resort as defined herein.

2.101-10 REVOCATION AND SUSPENSION

A. Whenever it is shown to the Board of Aldermen that a person licensed hereunder has not at all times kept an orderly place or house, or that he or any employee has violated any of the provisions of this Subchapter or of a state law, or has failed to procure a proper license from the state supervisor of liquor control or has made a false affidavit in his application for license or any renewal thereof the Board of Aldermen, after a hearing thereon, may revoke, or suspend for a period not to exceed sixty (60) days, the license of such person; provided, that such person shall be given ten (10) days written notice thereof, prior to the time fixed for the hearing, which notice shall specify the time, place and purpose or grounds for such hearing, so that such person may have an opportunity to have counsel and produce witnesses in his behalf.

B. The Chief of Police or his authorized agents or any member of the police department shall have the right, at any time, to inspect any premises holding a permit to sell intoxicating or malt liquor or non-intoxicating beer and to seize any and all objects which may appear to be in violation of any provisions of this subchapter and hold in custody such objects as evidence until any matter pertaining thereto is finally adjudicated. Upon such seizure, a receipt shall be given and upon demand, objects shall be returned to the original owner after the matter is finally adjudicated.

C. Whenever any license shall be revoked under the terms and provisions of this subchapter, the licensee shall not thereafter be eligible for any license of any classification, under the terms and provisions of this subchapter. In the event that any license is suspended for any period of time, as herein provided, the Board of Aldermen may, at its discretion, order, condition pursuant to the termination of such suspension, that the licensee so suspended pay the reasonable costs incurred by the Board of Aldermen in connection with the hearing referred to in subsection (1) of this section, which costs shall be determined and certified by the Board of Aldermen. [R.S.Mo. 311.680, 312.370]

2.101-11 GROUNDS FOR SUSPENSION OR REVOCATION

Any violation of any provision of this subchapter shall be grounds for suspension or revocation of any permit or license after a hearing before the Board of Aldermen, as provided for in this ordinance.

2.102 HOURS OF SALE

It shall be unlawful for any person having a license under any provision of this Chapter to sell, give away or otherwise dispose of or suffer the same to be done on or about his premises, any intoxicating liquor, malt liquor or non-intoxicating beer between the hours of 1:30 o'clock a.m. and 6:00 o'clock a.m., nor on Sunday, between the hours of 1:30 o'clock a.m. Sunday until 6:00 o'clock a.m. on Monday unless such person shall hold a Missouri liquor license authorizing sales during those hours. [R.S.Mo. 311.290, 311.220 (2), 312.410]

2.103 LIQUOR IN ORIGINAL PACKAGE NOT TO BE OPENED WHERE PURCHASED

In no event shall intoxicating liquor, malt liquor or non-intoxicating beer sold in the original package be opened or consumed on the premises where purchased. [R.S.Mo. 312.390]

2.104 UNAUTHORIZED ALCOHOLIC BEVERAGES ON LICENSED PREMISES; PRIMA FACIE EVIDENCE OF ILLEGAL SALE

No person selling intoxicating liquor, malt liquor or non- intoxicating beer shall permit or allow on his premises any intoxicating liquor, malt liquor or intoxicating beer in any amount except that which he is permitted to deal. The presence of any unpermitted alcoholic beverages shall be prima facie evidence of the illegal sale of the same. Except that the holder of a license for sale of malt liquor by the drink shall be permitted to sell malt liquor in the original package.

2.105 MINOR'S POSSESSION OF INTOXICATING LIQUOR OR NON-INTOXICATING BEER

1. Any licensee under this Subchapter, or his employee, who shall sell, vend, give away or otherwise supply any intoxicating liquor, malt liquor, or non-intoxicating beer in any quantity whatsoever to any person under the age of twenty-one 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 parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor, malt liquor, or non-intoxicating beer to any person under the age of twenty-one 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 violation of this ordinance, except that this section shall not apply to the supplying of intoxicating liquor, malt liquor, or non-intoxicating beer to a person under the age of twenty-one years for medical purposes only, or to the administering of such intoxicating liquor, malt liquor, or non-intoxicating beer to any person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Subchapter solely due to a conviction for unlawful sale or supply to a minor when serving in the capacity of an employee of a licensed establishment.

2. Any owner, occupant, or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person under the age of twenty-one to drink or possess intoxicating liquor, malt liquor, or non-intoxicating beer or who knowingly fails to stop a person under the age of twenty-one from drinking or possessing intoxicating liquor, malt liquor, or non-intoxicating beer on such property, unless such person allowing the person under the age of twenty-one to drink or possess intoxicating liquor, malt liquor, or non-intoxicating beer is his or her parent or guardian, is guilty of a violation of this ordinance.

3. Any person under the age of twenty-one years, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor, malt liquor, or non-intoxicating beer, or who is visibly intoxicated by being under the influence of alcohol, a controlled substance, or drug, or any combination thereof, or has a detectable blood alcohol content of more that two-hundredths of one percent or more by weight of alcohol in such person's blood, is guilty of a violation of this ordinance. For purposes of prosecution under this section or any other provision of this Subchapter involving an alleged illegal sale or transfer of intoxicating liquor, malt liquor, or non-intoxicating beer to a person under twenty-one years of age, a manufacturer-sealed container describing that there is intoxicating liquor, malt liquor, or non-intoxicating beer therein need not be opened or the contents therein tested to verify that there is intoxicating liquor, malt liquor, or non-intoxicating beer in such container. The alleged violator may allege that there was not intoxicating liquor, malt liquor, or non-intoxicating beer in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor, malt liquor, or non-intoxicating beer therein contains such intoxicating liquor, malt liquor, or non-intoxicating beer.

4. Any person who obtains, transfers, or uses any means of identification for the purpose of manufacturing and providing or selling a false identification card to a person under the age of twenty-one for the purpose of purchasing or obtaining alcohol shall be guilty of a violation of this ordinance.

5. It shall be a defense to prosecution under sections 1 and 2 if:
   a. The defendant is a licensed retailer, club, drinking establishment, or caterer or holds a temporary permit, or an employee thereof;
   b. The defendant sold the intoxicating liquor, malt liquor, or non-intoxicating beer to the minor with reasonable cause to believe that the minor was twenty-one or more years of age; and
   c. To purchase the intoxicating liquor, malt liquor, or non-intoxicating beer, the person exhibited to the defendant a driver's license, Missouri non-driver's identification card, or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was twenty-one years of age and of the legal age for consumption of intoxicating liquor, malt liquor, or non-intoxicating beer.

6. Any person violating any of the provisions of this section shall upon conviction thereof be punished by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail. [RSMo 311.310, 311.325] {Ord. 2633 02/27/2006}

2.106 INTOXICATING LIQUOR ON CITY PROPERTY

1. It shall be unlawful for any person to possess or consume intoxicating liquors at or upon any property belonging to the City of Odessa, Missouri.

2. Any person found guilty of violating the terms and provisions of this section shall be subject to imprisonment at the county jail for a term of ten (10) days, or suffer a fine in a sum of not more than Five Hundred Dollars ($500.00) or both.

2.107 SALE OF LIQUOR PROHIBITED NEAR SCHOOLS AND CHURCHES

No license shall be granted for the sale of intoxicating liquor, as defined in section 2.100, within 100 feet of any school, church or other building regularly used as a place of religious worship. When a school, church or place of worship shall hereafter be established within 100 feet of any place of business licensed to sell intoxicating liquor, the license shall not be revoked for this reason. [RSMo 311.080] This section does not apply to licenses issued pursuant to Sections 311.090, 311.218, 311.482 RSMo.

2.108 PENALTY

Except where a penalty is indicated, any person, partnership or corporation who shall violate the terms and provisions of this subchapter shall upon conviction thereof be punished by a fine of not less than Twenty Five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00).

2.109 STATE AND NATIONAL CRIMINAL BACKGROUNING OF PERSONS ENGAGED IN LIQOUR SALES

A. This Ordinance is enacted pursuant to RSMO 43.535 to regulate the ownership and employment of those engaged in liquor sales.

B. An applicant, employee, or volunteer seeking to engage in liquor sales must submit a set of his/her fingerprints taken by the Police Department of the City of Odessa Missouri along with the appropriate fees.

C. Upon receipt of the fingerprints and appropriate fees, the Odessa Police Chief will transmit both sets of fingerprints and appropriate fees to the Missouri Stated Highway Patrol. The Missouri State Highway Patrol will compare the subject's fingerprints against its criminal file, and if necessary, submit the fingerprints to the Federal Bureau of Investigation for a comparison with nationwide records. The results of the Federal Bureau of Investigation check will be returned to the Missouri State Highway Patrol, which will disseminate the state and national results to the Odessa Chief of Police.

D. The Odessa Chief of Police, along with the City Clerk, shall render a fitness determination based on the results of the criminal background check.

E. In rendering a fitness determination, the Chief of Police and the City Clerk will decide whether the record subject has been convicted of or is under pending indictment for a crime which bears upon his/her ability or fitness to serve in that capacity of any felony or misdemeanor which involved force or threat of force, controlled substances, or was a sex-related offense.

F. A record subject may request and receive a copy of his/her criminal history record information from the Chief of Police. Should the record subject seek to amend or correct his/her record, he/she must contact the Missouri State Highway Patrol for a Missouri state record or the Federal Bureau of Investigation for records from other jurisdiction's maintained in its file.

CHAPTER TWO
POLICE CODE

NUISANCES

2.200 NUISANCES PROHIBITED

1. No person shall permit, cause, keep, maintain, or do any nuisance, as defined by the laws of the State or ordinances of the City, or cause to be committed, caused, kept, maintained or done any such nuisance within the City or within one-half (1/2) mile of the corporate Limits thereof.

2. No owner, occupant or person in charge of any house, building, lot or premises shall cause or allow any nuisance to be or remain in or upon any such house, building, lot or premises.

3. Each day on which any nuisance shall remain after the duty of the owner thereof arises to remove or abate same, shall constitute a separate offense, for which the owner thereof may be arrested, tried, convicted and punished separately, without necessity of further notices.

4. Violation of any provisions of this section shall be punishable by fine of up to Five Hundred and 00/100 ($500.00) Dollars. [R.S.Mo. 71.780]

2.201 DEFINITIONS - NUISANCES

For the purposes of Sections 2.200 through 2.209, the following words or phrases shall have the meanings specifically ascribed to them by this section:

[Numeral One (1.) "Dangerous Buildings" was deleted in its entirety under Ordinance # 2310, February 9, 1998.]

1. ***Enclosed Area***: Any area which is inaccessible to public view.

2. ***Junk*****:** Any metal, glass, paper, rags, wood, machinery parts, cloth or other waste or discarded material of any nature or substance whatsoever, or any scrap or salvage materials.

3. ***Owner*****:** Shall include the real and actual owner of the fee title, the life tenant, occupant, tenant, lessee, tenants at will, tenant at sufferance, person in lawful possession, adverse possession, and any other person, firm, partnership, corporation or association asserting or having any right, title or interest in any lot, tract or parcel of land in the city. The land records filed in the office of the recorder of deeds of Lafayette County within which any such lot, tract or parcel of land shall be located, and any other official record of Lafayette County or of the City of Odessa, may be used to determine the identity of such owners, as herein before defined, as of any given date.

4. ***Person:*** Shall mean and include one or more persons of either sex, natural persons, corporations, partnerships, associations, joint stock companies, societies and all other entities of any kind capable of being sued.

5. ***Property*****:** Any real property within the City or any city property within or without the corporate Limits which is not a street or highway.

6. ***Street or 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.

7. ***Vehicles*****:** A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides, and transport persons or property or pull machinery, and shall include, without limitations, automobile, truck, trailer, motorcycle, tractor, buggy and wagon, or any part or portion thereof.

2.202 ENUMERATION OF NUISANCES

The following are hereby deemed and declared to be nuisances:

1. ***Substances Emitting Noxious Odors*****:** All substances which emit or cause any foul, noxious, unhealthy or

disagreeable odor or effluvia in the neighborhood where they exist.

2. ***Establishments Emitting Noxious Odors***: Establishments emitting or causing an offensive, disagreeable, noxious or toxic dust, vapor, fume, mist or odor.

3. ***Vegetables Emitting Noxious Odors***: All vegetables or other articles that emit or cause an offensive, noxious or disagreeable smell or odor.

4. ***Liquid Refuse*:** All slop, foul or dirty water, liquid or beer washings, all filth, refuse or offal, discharged through drains or spouts or otherwise thrown or deposited in or upon any street, sidewalk, lot, park, public square, public enclosure or any pond or pool of water.

5. ***Carcasses of Animals*:** All carcasses of animals remaining exposed one hour after death.

6. ***Hides*:** All green or salted hides left or deposited in any open place.

7. ***Slaughterhouses, Stables, or Pens in Offensive Condition*:** All slaughterhouses, stables, or pens inside or outside the City and within one-half (1/2) mile of the city limits which are kept in such a condition as to be offensive, annoying, or disagreeable to anyone.

8. ***Matters Causing Injury, Inconvenience or Annoyance to Public***: All articles or things whatsoever caused, kept, maintained or permitted by any person, to the injury, inconvenience or annoyance of the public.

9. ***Litter, Trash, Refuse on Public or Private Property*:** All ashes, cinders, slops, filth, excrement, sawdust, stones, rocks, dirt, straw, soot, sticks, shavings, eggshells, oyster shells, or cans, dust, brush, logs, paper, trash, rubbish, manure, refuse, offal, waste water, chamber lye, fish, putrid meat, entrails, decayed fruit or vegetables, broken ware, rags, iron or other metal, old wearing apparel, all animal or vegetable matter, all dead animals or any other offensive or disagreeable substance or thing thrown, left, deposited or caused to be left, thrown, or deposited by anyone in or upon any street, sidewalk, park, public square, public enclosure, lot, vacant or occupied, stream or waterway, or pond or pool of water.

10. ***Obstruction to Natural Watercourse***: Any building, erection or structure which in any way interferes with or impedes the flow of water in any natural watercourse or living stream.

11. ***Animals at Large***: Any horse, mule, ass, sheep, goats, hogs, cattle or fowls of every kind who shall suffer or be permitted to run at large within the Limits of the City.

12. ***Dangerous Buildings***: All dangerous buildings as defined in section 2.201.

13. ***Pig Pens***: All pig pens used and maintained within the limits of the city containing less than one hundred (100) square feet for each and every hog or pig contained within said pen or built or maintained within one hundred (100) feet of any residence.

14. ***Manure Accumulations***: All manure accumulations in any pen, run, cage or yard establishment wherein any animal is kept and that is not removed or disposed of in such a manner as to prevent the breeding of flies.

15. ***Diseased Trees***: A tree or shrub infected with any contagious tree or plant disease which may constitute a hazard to or result in damage or destruction of other trees or shrubs within the City.

16. ***Hazardous Trees***: A tree which constitutes a hazard to the safety of person or property, private or public.

17. ***Hazardous Hedge***: A hedge fence, composed of any kind of bushes or plants, and being along or adjacent to any public street, alley, avenue, or public thoroughfare causing an obstruction to the view of persons operating motor vehicles or at a height of more than four (4) feet from the ground or extending over or onto the line of any such public street, alley, avenue or public thoroughfare.

18. ***Grass, Weeds and Poisonous or Harmful Vegetation*:** Any growth of weeds, grass, and poisonous or harmful vegetation to a greater height than twelve (12) inches on the average on any lot or land or any part thereof in the City or on or along the sidewalk, street or alley adjacent to the same between the property line and the curb; or any accumulation of dead weeds, grass or brush, or poison ivy, ragweed or other poisonous plants, or other plants detrimental to health.

19. ***Wrecked, Damaged, Demolished or Disabled Vehicles*:** Any wrecked, damaged, demolished or disabled vehicle or portion thereof left or permitted to remain upon any property which is accessible to children for a period in excess of thirty (30) days, and which may be an attractive nuisance to children and constitute a danger to such children; or where weeds, grass or other vegetation is allowed to grow in or around such vehicle; or where such vehicle, or portion or part thereof, may create a fire hazard; or where such vehicle, affords a breeding place for mosquitoes, flies, rodents, rats and other vermin. However, it shall not be deemed to be unlawful under this ordinance for any person to permit to remain upon any property with the express consent of the owner of such property any vehicle acquired for restoration and/or collection purposes which may be disabled, provided that no weeds, grass or other vegetation or junk is allowed to collect or grow in or around such vehicle in such a manner as to provide or afford a nesting place or breeding place for mosquitoes, flies, rodents, rats and other vermin, and provided, that the same shall not be a serious danger to children.

20. ***Hazardous Sidewalks***: Any defective sidewalk or sidewalk curbing, or part or portion thereof, along any street, avenue, or highway of the city which constitutes a hazard to the safety of persons.

21. ***Spikes and Barb Wire Fences***: No person shall place or permit to be placed or remain, on or along any railroad or building front, or any part of any building, fence or premises, adjacent or contiguous to any street or sidewalk, any spikes or sharp pointed or cresting, or any barb wire, or any other thing dangerous and liable to snag, tear, cut or otherwise injure anyone coming in contact therewith.

22. ***Unlicensed Vehicles***: Two or more motor vehicles, except trailers, without current State license plates parked, stored or otherwise located outside and existing building on any premises located within a residentially zoned district.

2.203 INSPECTION OF NUISANCES

The Mayor, the Chief of Police, and/or the Building Inspector, or their representatives are hereby authorized to examine and survey all buildings, structures, and premises within the City during reasonable hours, except Sunday, subject to the following conditions:

1. Inspection shall be allowed only if a complaint has been received by one of the above named officials and in the opinion of that official there are reasonable grounds to believe that a violation exists.

2. Such inspection is part of a regular inspection program whereby certain areas of the city are being inspected at the direction of the appropriate city officials.

3. Inspection shall be made by the appropriate officials herein designated, or by their duly authorized representatives.

4. Any person making an inspection shall furnish to the owner or occupant of the building, structure, or premises sought to be inspected sufficient identification and information to enable such owner or occupant to determine that he is an authorized city representative in the purpose of the inspection.

5. If the owner or occupant shall refuse to allow entry to the appropriate official, or his representative, such official may apply to the court of competent jurisdiction for legal process for the purpose of securing entry.

2.204 NOTICE OF NUISANCES

If in the opinion of such authorized City official any building, structure, or premises inspected in accordance with this Subchapter is deemed to be a nuisance as defined by section 2.202, such official shall notify in writing, 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) successive weeks, the

owner, occupant, lessee, mortgagee, agent and all other persons having an interest in such building, structure, or premises as shown by the land records of the Recorder of Deeds of Lafayette County, Missouri. The notice required shall state a description of the building, structure, or premises deemed to be a nuisance, a statement of the particulars which make the building, structure or premises a nuisance, and notice to abate, repair, vacate, or demolish any building, structure, or premises within a reasonable time not less than ten (10) days and not exceeding thirty (30) days, unless in the judgment of such official it is determined to be necessary to extend such time.

2.205 HEARING REQUESTED ON NOTICE OF NUISANCE

If the owner of the building, structure, or premises inspected and notified as a nuisance, within said period of ten (10) days, shall request in writing to the city official who made the inspection and notification that a hearing be conducted for the purpose of contesting the determination of said city official that a nuisance exists upon such property, such said city official shall conduct such a hearing as soon as may be practicable, but not earlier than five (5) days after notification of such owner by certified or registered mail. At any hearing, the owner shall have the right to be represented by counsel, to present testimony, offer evidence and arguments, and to cross-examine witnesses. All testimony shall be taken under oath. If the City official conducting such hearing shall determine that a nuisance detrimental to health exists upon such property, he shall file in writing his findings of facts, conclusions of law, and his order that such nuisance be abated within ten (10) days, and shall cause such findings, conclusions and order to be served upon such owner in the same manner as provided for notices.

2.206 DISREGARDING NOTICE OF NUISANCE

In the event that no hearing shall have been requested as provided for in section 2.205 and the owner shall have failed to comply with the notice to abate such nuisance within the respective period specified, then the city official responsible for such inspection and notice may cause such nuisance to be abated forthwith by any appropriate means, or may cause a complaint to be filed against such owner in the municipal court for violation of provisions of this subchapter or both.

2.207 RIGHT OF ENTRY OF CITY FOR ABATEMENT PURPOSES

The Mayor, the Chief of Police, and/or the building inspector, or their representatives shall have full authority to enter upon any premises for the purpose of abating any nuisance, with or without the consent of the owner thereof, without being guilty of trespass.

2.208 SPECIAL ASSESSMENT UPON ABATEMENT

Any expense incurred by the city in the abatement of the nuisance upon such premises shall be certified by the appropriate city official to the city clerk and shall thereupon become and be a lien upon the property on which such nuisance was abated and shall be added to and become and form part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.

2.209 INTERFERENCE WITH ENFORCEMENT

It shall be unlawful for any person to interfere, hinder or refuse to allow the Mayor, the Chief of Police, and/or the building inspector, or their representatives in the enforcement of this subchapter.

GENERAL PRINCIPLES OF LIABILITY

2.300-1 VOLUNTARY ACT

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

B. A "voluntary act" is:

1. A bodily movement performed while conscious as a result of effort or determination; or
2. An omission to perform an act of which the actor is physically capable.

C. Possession is a voluntary act if the possess or knowingly procures or receives the thing possessed, or having acquired control of it was aware of his control for a sufficient time to have enabled him to dispose of it or terminate his control.

D. A person is not guilty of an offense based solely upon an omission to perform an act unless the law defining the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by law. [R.S.Mo. 562.011]

2.300-2 CULPABLE MENTAL STATE

A. Except as provided in section 2.300-4, a person is not guilty of an offense unless he acts with a culpable mental state, that is, unless he acts purposely or knowingly or recklessly or with criminal negligence, as the section defining the offense may require with respect to the conduct, the result thereof or the attendant circumstances which constitute the material elements of the offense.

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

C. A person "acts knowingly" or with knowledge:

1. With respect to his conduct or to attendant circumstances when he is aware of the nature of his conduct or that those circumstances exist; or
2. With respect to a result of his conduct when he is aware that his conduct is practically certain to cause that result.

D. A person "acts recklessly" or is reckless when he consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes gross deviation from the standard of care which a reasonable person would exercise in the situation.

E. A person "acts with criminal negligence" or is criminally negligent when he fails to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation. [R.S.Mo. 562.016]

2.300-3 CULPABLE MENTAL STATE, APPLICATION

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

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

3. Knowledge that conduct constitutes an offense, or knowledge of the existence, meaning or application of the section defining an offense is not an element of an offense unless the section clearly so provides. [R.S.Mo. 562.021]

2.300-4 CULPABLE MENTAL STATE, WHEN NOT REQUIRED

A culpable mental state is not required:

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

2. If the section defining the offense clearly indicates a purpose to dispense with the requirement of any culpable mental state as to a specific element of the offense. [R.S.Mo. 562.026]

2.300-5 IGNORANCE AND MISTAKE

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

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

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

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

      (a) A statute or ordinance;

      (b) An opinion or order of an appellate court;

      (c) An official interpretation of the Statute, regulation, or order defining the offense made by a public official or agency legally authorized to interpret such Statute, regulation, or order.

3. The burden of injecting the issue of a reasonable belief that conduct does not constitute an offense under subdivisions (a) and (b) of subsection (2) is on the defendant. [R.S.Mo. 562.031]

2.300-6 ACCOUNTABILITY FOR CONDUCT

A person with the required culpable mental state is guilty of an offense if it is committed by his own conduct or by the conduct of another person for which he is responsible as set out in section 2.300-7 or both. [R.S.Mo. 562.036]

2.300-7 RESPONSIBILITY FOR THE CONDUCT OF ANOTHER

A. A person is responsible for the conduct of another when:

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

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

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

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

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

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

C. The defense provided by subdivision (c) of subsection (2) hereof is an affirmative defense. [R.S.Mo. 562.041]

2.300-8 DEFENSE PRECLUDED

It is no defense to any prosecution for an offense in which the responsibility of the defendant is based upon the conduct of another that:

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

b. The defendant does not belong to that class of persons who was legally capable of committing the offense in an individual capacity. [R.S.Mo. 562.046]

2.300-9 ATTEMPT

A. A person is guilty of attempt to commit an offense when with the purpose of committing the offense, he does any act which is a substantial step towards the commission of the offense. A "Substantial Step" is conduct which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense.

B. It is no defense to a prosecution under this section that the offense attempted was, under the actual attendant circumstances, factually or legally impossible of commission, if such offense could have been committed had the attendant circumstances been as the actor believed them to be.

C. Unless otherwise provided, a person who has been convicted of an attempt to commit an offense may be sentenced to pay a fine which does not exceed $500.00, or serve a period of imprisonment which shall not exceed thirty (30) days, or by both such fine and imprisonment. [R.S.Mo. 564.011]

2.300-10 CONSPIRACY

a. A person is guilty of conspiracy with another person or persons to commit an offense if, with the purpose of promoting or facilitating its commission he agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such offense.

b. If a person guilty of conspiracy knows that a person with whom he conspires to commit an offense has conspired with another person or persons to commit the same offense, he is guilty of conspiring with such other person or persons to commit such offense, whether or not he knows their identity.

c. If a person conspires to commit a number of offenses, he is guilty of only one conspiracy so long as such multiple offenses are the object of the same agreement.

d. No person may be convicted of conspiracy to commit an offense unless an overt act in pursuance of such conspiracy is alleged and proved to have been done by him or by a person with whom he conspired.

e. (1.) No one shall be convicted of conspiracy if, after conspiring to commit the offense, he prevented the accomplishment of the objectives of the conspiracy under circumstances manifesting a renunciation of his criminal purpose.

(2.) The defendant shall have the burden of injecting the issue of renunciation of criminal purpose under

subdivision (a) of this subsection.

f. For the purpose of time limitations on prosecutions:

1. Conspiracy is a continuing course of conduct which terminates when the offense or offenses which are its object are committed or the agreement that they be committed is abandoned by the defendant and by those with whom he conspired.

2. If an individual abandons the agreement, the conspiracy is terminated as to him only if he advises those with whom he has conspired of his abandonment or he informs the law enforcement authorities of the existence of the conspiracy and of his participation in it.

g. A person may not be charged, convicted or sentenced on the basis of the same course of conduct of both the actual commission of an offense and a conspiracy to commit that offense.

h. Unless otherwise provided, a person who has been convicted of conspiracy to commit an offense may be sentenced to pay a fine which does not exceed $500.00, or serve a period of imprisonment which shall not exceed thirty (30) days, or by both such fine and imprisonment. [R.S.Mo. 564.016]

OFFENSES AGAINST THE ADMINISTRATION OF JUSTICE

2.301-1 CONCEALING AN OFFENSE

1. A person commits the offense of Concealing an Offense if:

a. He confers or agrees to confer any pecuniary benefit or other consideration to any person in consideration of that person's concealing of any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof; or

b. He accepts or agrees to accept any pecuniary benefit or other consideration in consideration of his concealing any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof.

2. Concealing an Offense is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail. [R.S.Mo. 575.020]

2.301-2 HINDERING PROSECUTION

1. A person commits the offense of Hindering Prosecution if, for the purpose of preventing the apprehension, prosecution, conviction or punishment of another for conduct constituting a crime he:

   a. Harbors or conceals such person; or

   b. Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another in compliance with the law; or

   c. Provides such a person with money, transportation, weapon, disguise or other means to aid him in avoiding discovery or apprehension; or

   d. Prevents or obstructs, by means of force, deception or intimidation, any one from performing an act that might aid in the discovery or apprehension of such person.

2. Hindering Prosecution is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail. R.S.Mo. 575.030]

2.301-3 FALSE REPORTS

1. A person commits the offense of Making a False Report if he knowingly:

   a. Gives false information to any person for the purpose of implicating another person in a crime; or

   b. Makes a false report to a law enforcement officer that a crime has occurred or is about to occur; or

   c. Makes a false report or causes a false report to be made to a law enforcement officer, security officer, fire department or other organization, official or volunteer, which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred or is about to occur.

2. It is a defense to a prosecution under subsection 1 of this section that the actor retracted the false statement or report before the law enforcement officer or other person took substantial action in reliance thereon.

3. The defendant shall have the burden of injecting the issue of retraction under subsection 2 of this section.

4. Making a False Report is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/ or up to ninety

(90) days in jail. [RSMo 575.080] *{Ord. 2638 04/10/2006}*

2.301-4 FALSE BOMB REPORT

1. A person commits the offense of Making a False Bomb Report if he knowingly makes a false report or causes a false report to be made to any person that a bomb or other explosive has been placed in any public or private place or vehicle.

2. Making a False Bomb Report is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail. [R.S.Mo. 575.090]

2.301-5 TAMPERING WITH PHYSICAL EVIDENCE

1. A person commits the offense of Tampering with physical evidence if he:

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

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

2. Tampering with physical evidence is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail. [R.S.Mo. 575.100]

2.301-6 TAMPERING WITH A PUBLIC RECORD

1. A person commits the offense of tampering with a public record if with the purpose to impair the verity, legibility or availability of a public record:

   a. He knowingly makes a false entry in or falsely alters any public record; or

   b. Knowing he lacks authority to do so, he destroys, suppresses or conceals any public record.

2. Tampering with a public record is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail. [R.S.Mo. 575.110]

2.301-7 FALSE IMPERSONATION

1. A person commits the offense of false impersonation if he:

   a. Falsely represents himself to be a public servant with purpose to induce another to submit to his pretended official authority or to rely upon his pretended official acts, and

      (1) Performs an act in that pretended capacity: or

      (2) Causes another to act in reliance upon his pretended official authority; or

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

      (1) Performs an act in that pretended capacity: or

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

2. False Impersonation is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail. [R.S.Mo. 575.120]

2.301-8 RESISTING OR INTERFERING WITH ARREST, DETENTION OR STOP

1. A person commits the offense of Resisting or Interfering with Arrest, Detention, or Stop if, knowing that a law enforcement officer is making an arrest, or attempting to lawfully detain or stop an individual or vehicle, or the person reasonably should know that a law enforcement officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or detention, the person:

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

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

2. This section applies to arrests, stops or detentions with or without warrants and to arrests, stops or detentions of any crime, infraction or ordinance violation.

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

4. It is no defense to a prosecution pursuant to subsection 1 of this section that the law enforcement officer was acting unlawfully in making the arrest. However, nothing in this section shall be construed to bar civil suits for unlawful arrest.

5. Resisting or Interfering with Arrest, Detention or Stop is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail. [RSMo 575.150] *{Ord. 2638 04/10/2006}*

2.301-9 INTERFERENCE WITH LEGAL PROCESS

1. A person commits the offense of Interference with Legal Process if, knowing any person is authorized by law to serve process, for the purpose of preventing such person from effecting the service of any process, he interferes with or obstructs such person.

2. "Process" includes any writ, summons, subpoena, warrant other than arrest warrants, or other process or order of a Court.

3. Interference with Legal Process is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail. [R.S.Mo. 575.160]

2.301-10 REFUSAL TO IDENTIFY AS A WITNESS

1. A person commits the offense of Refusal to Identify as a Witness if, knowing he has witnessed any portion of a crime, or of any other incident resulting in physical injury or substantial property damage, upon demand by a law enforcement officer engaged in the performance of his official duties, he refuses to report or gives a false report of his name and present address to such officer.

2. Refusal to Identify as a Witness is punishable by a fine of up to Three Hundred and 00/100 ($300.00) Dollars and a term of imprisonment not to exceed fifteen (15) days. [R.S.Mo. 575.190]

2.301-11 ESCAPE OR ATTEMPTED ESCAPE FROM CONFINEMENT

1. A person commits the offense of Escape or Attempted Escape from Confinement if, while being held in confinement after arrest for any crime, while serving a sentence after conviction for any crime, or while at an institutional treatment center operated by the Department of Corrections as a condition of probation or parole, he escapes or attempts to

escape from confinement.

2. Escape from Confinement is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail. [RSMo 575.210] *{Ord. 2638 04/10/2006}*

2.301-12ESCAPE OR ATTEMPTED ESCAPE FROM CUSTODY

1. A person commits the offense of Escape from custody or attempted escape from Custody if while being held in custody after an arrest for any crime, he escapes or attempts to escape from custody.

2. Escape from Custody is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail. [R.S.Mo. 575.200]

2.101-13 FAILURE TO RETURN TO CONFINEMENT

1. A person commits the offense of Failure to Return to Confinement if, while serving a sentence for any crime under a work-release program, or while under sentence of any crime to serve a term of confinement which is not continuous, or while serving any other type of sentence or any crime wherein he is temporarily permitted to go at large without guard, he purposely fails to return to confinement when he is required to do so.

2. This section does not apply to persons who are free on bond, bail or recognizance, personal or otherwise, nor to persons who are on probation or parole, temporary or otherwise.

3. Failure to Return to Confinement is punishable by a fine of up to Three Hundred and 00/100 ($300.00) Dollars and/or a term of imprisonment not to exceed fifteen (15) days. [R.S.Mo. 575.220]

2.301-14 AIDING ESCAPE OF A PRISONER

1. A person commits the offense of Aiding Escape of a Prisoner if he:

    a. Introduces into any place of confinement any deadly weapon or dangerous instrument, or other thing adapted or designed for use in making an escape, with the purpose of facilitating the escape of any prisoner confined therein, or of facilitating the commission of any other crime; or

    b. Assists or attempts to assist any prisoner who is being held in custody or confinement for the purpose of effecting the prisoner's escape from custody or confinement.

2. Aiding Escape of a Prisoner is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail. [R.S.Mo. 575.230]

2.301-15 INTERFERENCE WITH CUSTODY

1. A person commits the offense of Interference with Custody if, knowing that he has no legal right to do so, he takes or entices from legal custody any person entrusted by order of a Court to the custody of another person or institution.

2. Interference with Custody is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and a term of imprisonment not to exceed ninety (90) days. [R.S.Mo. 565.150]

2.301-16 DISTURBING A JUDICIAL PROCEEDING

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

2. Disturbing a Judicial Proceeding is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail. [R.S.Mo. 575.250]

2.301-17 TAMPERING WITH A JUDICIAL PROCEEDING

1. A person commits the offense of Tampering with a Judicial Proceeding if, with purpose to influence the official action of a judge, juror, special master, referee or arbitrator in a judicial proceeding, he:

    a. Threatens or causes harm to any person or property; or

    b. Engages in conduct reasonably calculated to harass or alarm such official or juror; or

    c. Offers, confers or agrees to confer any benefit, direct or indirect, upon such official or juror.

2. Tampering with a Judicial Proceeding is punishable by a fine of up to Three Hundred and 00/100 ($300.00) Dollars and/or a term of imprisonment not to exceed fifteen (15) days. [R.S.Mo. 575.260]

2.301-18 TAMPERING WITH A WITNESS – TAMPERING WITH A VICTIM.

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

    a. Threatens or causes harm to any person or property; or

    b. Uses force, threats or deception; or

    c. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or

    d. Conveys any of the foregoing to another in furtherance of a conspiracy.

2. A person commits the offense of Victim Tampering if, with purpose to do so, he prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or a person who is acting on behalf of any such victim from:

    a. Making any report of such victimization to any peace officer, or State, Local or Federal law enforcement officer or prosecuting agency or to any judge;

    b. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof;

    c. Arresting or causing or seeking the arrest of any person in connection with such victimization.

3. Tampering with a Witness or Victim is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail. [R.S.Mo. 575.270]

2.301-19 OBSTRUCTING GOVERNMENT OPERATIONS

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

2. Violation of this section is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and a term of imprisonment not to exceed ninety (90) days. [R.S.Mo. 576.030]

OFFENSES AGAINST THE PERSON

2.302-1 ASSAULT

1. A person commits the offense of Assault if:

    a. He attempts to cause or recklessly causes physical injury to another person; or

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

    c. He purposely places another person in apprehension of immediate physical injury; or

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

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

2. Assault is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and a term of imprisonment not to exceed ninety (90) days unless committed under subdivision (c) or (e) of subsection 1 in which case it is punishable by a fine of up to Three Hundred and 00/100 ($300.00) Dollars and/or a term of imprisonment not to exceed fifteen (15) days. [R.S.Mo. 565.070]

2.302-2 ASSAULT - CONSENT AS A DEFENSE

1. When conduct is charged to constitute an offense because it causes or threatens physical injury, consent to that conduct or to the infliction of the injury is a defense only if:

    a. The physical injury consented to or threatened by the conduct is not serious physical injury; or

    b. The conduct and the harm are reasonably foreseeable hazards of:

        (1) The victim's occupation or profession; or

        (2) Joint participation in a lawful athletic contest or competitive sport; or

    c. The consent establishes a justification for the conduct under Chapter 563, R.S.Mo.

2. The defendant shall have the burden of injecting the issue of consent. [R.S.Mo. 565.080]

2.302-3 HARASSMENT

1. A person commits the offense of Harassment if for the purpose of frightening or disturbing another person, he:

    a. Communicates in writing or by telephone a threat to commit any felony; or

    b. Makes a telephone call or communicates in writing and uses coarse language offensive to one of average sensibility; or

    c. Makes a telephone call anonymously; or

    d. Makes repeated telephone calls.

2. Harassment is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and a term of imprisonment not to exceed ninety (90) days. [R.S.Mo. 565.090]

2.302-4 FALSE IMPRISONMENT

1. A person commits the offense of False Imprisonment if he knowingly restrains another unlawfully and without consent so as to interfere substantially with his liberty.

2. False Imprisonment is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and a term of imprisonment not to exceed ninety (90) days. [R.S.Mo. 565.130]

2.302-5 DEFENSES TO FALSE IMPRISONMENT

1. A person does not commit False Imprisonment under section 2.302-4 if the person restrained is a child under the age of 17 and

   a. A parent, guardian or other person responsible for the general supervision of the child's welfare has consented to the restraint; or

   b. The actor is a relative of the child; and

      (1) The actor's sole purpose is to assume control of the child; and

      (2) The child is not taken out of the State of Missouri.

2. For the purpose of this section, "relative" means a parent or stepparent, ancestor, sibling, uncle or aunt, including an adoptive relative of the same degree through marriage or adoption.

3. The defendant shall have the burden of injecting the issue of a defense under this section. [R.S.Mo. 565.140]

2.302-6 SEXUAL MISCONDUCT, SECOND DEGREE

1. A person commits the offense of sexual misconduct in the second degree if such person:

   a. Exposes his or her genitals under circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm; or

   b. Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm; or

   c. Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.

2. Sexual Misconduct in the Second Degree is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days. [RSMo 566.093] *{Ord. 2638 04/10/2006}*

2.302-6.1 SEXUAL MISCONDUCT, THIRD DEGREE

1. A person commits the offense of sexual misconduct in the third degree if he solicits or requests another person to engage in sexual conduct under circumstances in which he knows that his requests or solicitation is likely to cause affront or alarm.

2. Sexual misconduct in the third degree is punished by a fine up to Three Hundred 00/100 ($300.00) Dollars and/or a term of imprisonment not to exceed fifteen (15) days. [R.S. Mo. 566.095]

2.302-6.2 PUBLIC URINATION AND DEFECATION

1. It shall be unlawful for any person to urinate or defecate in or upon any street, alley, plaza, park, public building, public

parking lot, publicly maintained facility, public land, or in any place open to the public or exposed to public view other than in a facility designed for that purpose.

2. The enforcement provisions of this section shall not apply to the following individuals who may not be able to adequately control the bodily functions that control urination or defecation:
    a. Children five (5) years of age or younger; or
    b. Persons of any age who violate this ordinance due to a verified medical condition.
3. Any person who violates the provisions of this section and who does not meet an exception listed above, shall be guilty of an infraction which is punishable by a fine of up to Two Hundred and 00/100 ($200.00) Dollars. *{Ord. 2695 10/22/2007}*

2.302-7 ASSAULT OF A LAW ENFORCEMENT OFFICER OR EMERGENCY PERSONNEL

1. A person commits the offense of Assault of a Law Enforcement Officer or Emergency Personnel if:

    a. Such person recklessly causes physical injury to a law enforcement officer or emergency personnel:
    b. Such person purposely places a law enforcement officer or emergency personnel in apprehension of immediate physical injury;
    c. Such person knowingly causes or attempts to cause physical contact with a law enforcement or emergency personnel without the consent of the law enforcement officer or emergency personnel;

2. As used in this section, “emergency personnel” means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), and (17) of Section 190.100 RSMo.

3. Assault of a Law Enforcement Officer or Emergency Personnel is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days. [RSMo 565.083] *{Ord. 2683 04/10/2006}*

2.302-8 LOITERING WITHIN FIVE HUNDRED FEET OF A CHILD CARE FACILITY

1. A person commits the offense of loitering within five hundred feet of a child care facility if the person knowingly is physically present in or loitering within five hundred feet of or to approach, contact, or communicate with any child under eighteen years of age in any child care facility building, on the real property comprising any child care facility when persons under the age of eighteen are present in the building, on the grounds, or been convicted of, or been found guilty of:

    a. Violated any of the following provisions of the Revised Statutes of Missouri, and as amended:

    (1) Chapter 566, Sexual Offenses;
    (2) Section 568.202, Incest;
    (3) Section 568.045, endangering the welfare of a child in the first degree;
    (4) Section 568.080, use of a child in a sexual performance;
    (5) Section 568.090, promoting a sexual performance by a child;
    (6) Section 573.023, sexual exploitation of a minor;
    (7) Section 573.025, promoting child pornography in the first degree;
    (8) Section 573.035, promoting child pornography in the second degree;
    (9) Section 573.037, possession of child pornography; or
    (10) Section 573.040, furnishing pornographic material to minors; or

    b. Any offense in any other state or foreign country, or under federal, tribal, or military jurisdiction, which, if committed in the State of Missouri, would be a violation listed above.

2. It shall be a defense if the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds at the time of being present of loitering within five hundred feet of the child care facility.

3. For purposes of this section, “child care facility” shall have the same meaning as such term is defined in section 210.201, RSMo, and as amended.

4. Violation of this section is punished by a fine of up to five hundred dollars ($500.00) and/or a term of imprisonment not to exceed ninety (90) days.

2.302-9: LOITERING WITHIN FIVE HUNDRED FEET OF SCHOOL PROPERTY

1. A person commits the offense of loitering within five hundred feet of school property if the person is physically present in or loitering within five hundred 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 are present in the building, on the grounds, or in the conveyance, if the person has plead guilty or nolo contendere to, or been convicted of, or been found guilty of;

   a. Violating any of the following provisions of the Revised Statutes of Missouri, and as amended:

      (1) Chapter 566, Sexual Offenses;
      (2) Section 568.202, Incest;
      (3) Section 568.045, endangering the welfare of a child in the first degree;
      (4) Section 568.080, use of a child in a sexual performance;
      (5) Section 568.090, promoting a sexual performance by a child;
      (6) Section 573.023, sexual exploitation of a minor;
      (7) Section 573.025, promoting child pornography in the first degree;
      (8) Section 573.035, promoting child pornography in the second degree;
      (9) Section 573.037, possession of child pornography; or
      (10) Section 573.040, furnishing pornographic material to minors; or

   b. Any offense in any other state or foreign country, or under federal, tribal, or military jurisdiction, which, if committed in the State of Missouri, would be a violation listed above.

2. It shall be a defense if the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds at the time of being present of loitering within five hundred feet of school property if the offender 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 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 wished to attend for which he or she has not yet had permission granted.

3. It shall not be a defense to a violation of this section if the person has no knowledge of his or her proximity to school property or a school-related activity.

4. Violation of this section is punished by a fine of up to five hundred dollars ($500.00) and/or a term of imprisonment not to exceed ninety (90) days.

2.302-10 LOITERING WITHIN FIVE HUNDRED FEET OF A PUBLIC PARK OR SWIMMING POOL

1. A person commits the offense of loitering within five hundred feet of public park or swimming pool if the person knowingly is physically present in or loitering within five hundred feet of any real property comprising any public park with playground equipment or a public swimming pool, if the person has plead guilty or nolo contendere to, or been convicted of, or been found guilty of;

   a. Violating any of the following provisions of the Revised Statutes of Missouri, and as amended:

      (1) Chapter 566, Sexual Offenses;

(2) Section 568.202, Incest;
(3) Section 568.045, endangering the welfare of a child in the first degree;
(4) Section 568.080, use of a child in a sexual performance;
(5) Section 568.090, promoting a sexual performance by a child;
(6) Section 573.023, sexual exploitation of a minor;
(7) Section 573.025, promoting child pornography in the first degree;
(8) Section 573.035, promoting child pornography in the second degree;
(9) Section 573.037, possession of child pornography; or
(10) Section 573.040, furnishing pornographic material to minors; or

b. Any offense in any other state or foreign country, or under federal, tribal, or military jurisdiction, which, if committed in the State of Missouri, would be a violation listed above.

2. Violation of this section is punished by a fine of up to five hundred dollars ($500.00) and/or a term of imprisonment not to exceed ninety (90) days.

2.302-11 PROHIBITION ON SERVING AS AN ATHLETIC COACH, MANAGER OT TRAINER

1. It shall be unlawful for any person to serve as an athletic coach, manager, or athletic trainer for any sports team in which a child less than seventeen years of age is a member if the person has plead guilty of nolo contendere to, or been convicted of, or been found guilty of:

a. Violating any of the following provisions of the Revised Statutes of Missouri, and as amended:

(1) Chapter 566, Sexual Offenses;
(2) Section 568.202, Incest;
(3) Section 568.045, endangering the welfare of a child in the first degree;
(4) Section 568.080, use of a child in a sexual performance;
(5) Section 568.090, promoting a sexual performance by a child;
(6) Section 573.023, sexual exploitation of a minor;
(7) Section 573.025, promoting child pornography in the first degree;
(8) Section 573.035, promoting child pornography in the second degree;
(9) Section 573.037, possession of child pornography; or
(10) Section 573.040, furnishing pornographic material to minors; or

b. Any offense in any other state or foreign country, or under federal, tribal, or military jurisdiction, which, if committed in the State of Missouri, would be a violation listed above.

2. Violation of this section is punished by a fine of up to five hundred dollars ($500.00) and/or a term of imprisonment not to exceed ninety (90) days.

PROSTITUTION

2.303-1 DEFINITIONS

1. ***"Prostitution":*** A person commits *"prostitution"* if he engages or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by the person or by a third person.

2. ***"Patronizing Prostitution":*** A person *"patronizes prostitution"* if:

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

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

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

3. ***"Sexual Conduct"*** occurs when there is:

   a. ***"Sexual intercourse"*** which means any penetration, however slight, of the female sex organ by the male sex organ, or

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

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

4. **"*Something of Value*"** means any money or property, or any token, object or article exchangeable for money or property. [R.S.Mo. 567.010]

2.303-2 PROSTITUTION

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

2. Prostitution is punishable by a fine of Five Hundred and 00/100 ($500.00) Dollars and/or ninety (90) days in jail. [R.S.Mo. 567.020]

2.303-3 PATRONIZING PROSTITUTION

1. A person commits the offense of Patronizing Prostitution if he patronizes prostitution.

2. Patronizing Prostitution is punishable by a fine of Five Hundred and 00/100 ($500.00) Dollars and/or ninety (90) days in jail. [R.S.Mo. 567.030]

2.303-4 SEX OF PARTIES - NO DEFENSE, WHEN

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

   a. Both parties were of the same sex; or

   b. 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. [R.S.Mo. 567.040]

2.303-5 PROSTITUTION HOUSES DEEMED PUBLIC NUISANCES

1. Any room, building, or other structure regularly used for sexual contact for pay as defined in section 2.303-1 or any unlawful prostitution activity prohibited by this Subchapter is a public nuisance.

2. The City Attorney may, in addition to all criminal sanctions, prosecute a suit in equity to enjoin the nuisance. If the Court finds that the owner of a room, building or structure knew or had reason to believe that the premises were being used regularly for sexual contact for pay or unlawful prostitution activity, the Court may order that the premises shall not be occupied or used for such period as the Court may determine, not to exceed one year.

3. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any sexual contact for pay or unlawful prostitution activity anywhere within the jurisdiction of the court.

4. Appeals shall be allowed from the judgment of the court as in other civil actions. [R.S.Mo. 567.080]

OFFENSES AGAINST PROPERTY

2.304-1 DEFACING PUBLIC OR PRIVATE PROPERTY

1. It shall be unlawful for a person to intentionally, maliciously or recklessly destroy, damage or deface in any way any public or private property, including, but not limited to, any:

    a. Public or private building, fences or trees;

    b. Public street light, fire hydrants,

    c. pumps, fountains, inlets, manholes, or sewer ventilators;

    d. Telephone or telegraph wires, or electric wires of any kind, or the poles sustaining or attaching them;

    e. Statues, monuments, or plaque;

    f. Official notices or signs posted by the State, the City, or any public agency;

    g. Extinguish or diminish the light from any public street light;

    h. Obstruct the mouth of any sewer or any drain, or remove, possess or sell any inlet, manhole cover, or sewer ventilator or any part of any sewer or drain without written authorization from the Commissioner of the Water Department;

    i. Post any sign, placard, circular, handbill, or advertisement on any public property without the authority of the City or on any property without the consent of the owner thereof;

    j. Remove any protection which is placed across freshly paved or repaved streets;

    k. Throw stones, bricks or other missiles into any street, yard, vacant lot, public park or square or market;

    l. Lock or unlock without the authority or break open any gates of any public square, park or playground of the City;

    m. Place any obstruction within fifteen feet of any fire hydrant or open any valve box or manhole cover controlling access to or use of any public utility or underground conduit;

    n. Use any City facility or enter any City property without authority.

2. Violation of this section is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail.

2.304-2 TAMPERING

1. A person commits the offense of Tampering if he:

    a. Tampers with property of another for the purpose of causing substantial inconvenience to that person or to another; or

    b. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or

    c. Tampers or makes connection with property of a utility; or

d. Tampers with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:

(1) To prevent the proper measuring of electric, gas, steam, or water service; or

(2) To permit the diversion of any electric, gas, steam or water service.

2. In any prosecution under subdivision (4) of subsection 1, proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service, with one or more of the effects described in subdivision (4) of subsection 1, shall be sufficient to support an inference which the trial court may submit to the trier of fact, from which the trier of fact may conclude that there has been a violation of such subdivision by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.

3. Tampering is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and a term of imprisonment not to exceed ninety (90)) days. [R.S.Mo. 569.090]

2.304-3 PROPERTY DAMAGE

1. A person commits the offense of Property Damage if:

a. He knowingly damages property of another; or

b. He damages property for the purpose of defrauding an insurer.

2. Property Damage is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail. [R.S.Mo. 569.120]

2.304-4 TRESPASS IN THE FIRST DEGREE

1. A person commits the offense of Trespass in the First Degree if he knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.

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

a. Actual communication to the actors; or

b. Posting in a manner reasonably likely to come to the attention of intruders.

3. Trespass in the First Degree is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days. [R.S.Mo. 569.140]

2.304-5 TRESPASS IN THE SECOND DEGREE

1. A person commits the offense of Trespass in the Second Degree if he enters unlawfully upon real property of another. This is an offense of absolute liability.

2. Trespass in the Second Degree is an infraction punishable by a fine of up to Two Hundred and 00/100 ($200.00) Dollars. [R.S.Mo. 569.150]

2.304-6 ROBBERY

1. A person commits the crime of Robbery when he forcibly steals property.

2. Robbery is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days. [R.S.Mo. 569.030]

2.304-7 STEALING

1. A person commits the offense of Stealing if he appropriates property or services of another under the value of One Hundred Fifty and 00/100 ($150.00) Dollars with the purpose to deprive him thereof, either without his consent or by means of deceit or coercion.

2. Stealing is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days. [R.S.Mo. 570.030]

2.304-8 STEALING DEFENSE, LOST PROPERTY

1. A person who appropriates lost property shall not be deemed to have stolen that property within the meaning of Section 2.304-7 unless such property is found under circumstances which gave the finder knowledge of or means of inquiry as to the true owner.

2. The defendant shall have the burden of injecting the issue of lost property. [R.S.Mo. 570.060]

2.304-9 CLAIM OF RIGHT

1. A person does not commit an offense under Section 2.304-7 if, at the time of the appropriation, he

   a. Acted in the honest belief that he had the right to do; or
   b. Acted in the honest belief that the owner, if present, would have consented to the appropriation.

2. The defendant shall have the burden of injecting the issue of claim of right. [R.S.Mo. 570.070]

2.304-10 BURGLARY

1. A person commits the offense of burglary when he knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure for the purpose of committing a crime therein.

2. Burglary is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days. [R.S.Mo. 569.170]

2.304-11 PASSING BAD CHECKS

1. A person commits the offense of Passing a Bad Check when:

   a. With purpose to defraud, he makes, issues or passes a check or other similar sight order for the payment of money, knowing that it
   b. will not be paid by the drawee, or that there is no such drawee.
   c. He makes, issues, or passes a check or other similar sight order for the payment of money, knowing that there are insufficient funds in his account or that there is no such account or no drawee and fails to pay the check or sight order within ten days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.

2. As used in subdivision (b) of subsection (1) of this section, actual notice of the nonpayment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten-day period during which the instrument may be paid and that payment of the instrument within such ten-day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

3. In all cases where a prosecutor receives notice from the original holder that a person has violated this section with respect to a payroll check or order, the prosecutor, if he determines there is a violation of this section, shall file an information or seek an indictment within sixty days of such notice and may file an information or seek an indictment thereafter if the prosecutor has failed through neglect or mistake to do so within sixty days of such notice and if he determines there is sufficient evidence shall further prosecute such cases.

4. When any financial institution returns a dishonored check to the person who deposited such check, it shall be in substantially the same physical condition as when deposited, or in such condition as to provide the person who deposited the check the information required to identify the person who wrote the check. [R.S.Mo. 570.120]

2.304-12 FRAUDULENTLY STOPPING PAYMENT ON AN INSTRUMENT

1. A person commits the offense of Fraudulently stopping payment on an instrument if he, knowingly, with a purpose to defraud, stops payment on a check or draft given in payment for the receipt of goods or services.

2. It shall be prima facie evidence of a violation of this section, if a person stops payment on a check or draft and fails to make good the check or draft, or return or make and comply with reasonable arrangements to return the property for which the check or draft was given in the same or substantially the same condition as when received within ten (10) days after notice in writing from the payee that the check or draft has not been paid because of a stop payment order by issuer to the drawee.

3. Notice in writing means notice deposited as certified or registered mail in the United States mail and addressed to the issuer at his address as it appears on the dishonored check or draft or to his last known address. The notice shall contain a statement that failure to make good the check or draft within ten (10) days of receipt of the notice may subject the issuer to criminal prosecution.

4. Any violation of this section is punishable by a fine of up to Five Hundred and 00/100 Dollars ($500.00) and/or a term imprisonment not to exceed ninety (90) days. [R.S.Mo. 570.125]

2.304-13 FAILURE TO RETURN LEASED OR RENTED PROPERTY

1. A person commits the crime of Failing to Return Leased or Rented Property if, with the intent to deprive the owner thereof, he purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property. In addition, any person who has leased or rented personal property of another who conceals the property from the owner, or who otherwise sells, pawns, loans, abandons or gives away the leased or rented property is guilty of the offense of failing to return leased or rented property. The provisions of this section shall apply to all forms of leasing and rental agreements, including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.

2. It shall be prima facie evidence of the crime of failing to return leased or rented property when a person who has leased or rented personal property of another willfully fails to return or make arrangements acceptable with the lessor to return the personal property to its owner within ten days after proper notice following the expiration of the lease or rental agreement, except that if the motor vehicle has not been returned within seventy-two hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the offense of failing to return leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate state and local computer system listing stolen motor vehicles. Any law enforcement officer which stops such a motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the ten-day period prescribed in this subsection, the owner of the property shall report the failure to return the property to the local law enforcement

agency, and such law enforcement agency may within five days notify the person who leased or rented the property that such person is in violation of this section, and that failure to immediately return the property may subject such person to arrest for the violation.

3. This section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable, if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement, or within ten days after proper notice.

4. Proper notice by the lessor shall consist of a written demand addressed and mailed by certified or registered mail to the lessee at the address given at the time of making the lease or rental agreement. The notice shall contain a statement that the failure to return the property may subject the lessee to criminal prosecution.

5. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner shall be guilty of property damage pursuant to section 2.304-3, in addition to being in violation of this section.

6. Venue shall lie in the county where the personal property was originally rented or leased.

7. Failure to Return Leased or Rented Property shall be punishable with a fine not to exceed Five Hundred and 00/100 Dollars ($500.00) and jail sentence not to exceed ninety (90) days. [R.S.Mo. 578.150]

OFFENSES AGAINST THE PUBLIC ORDER

2.305-1 CURFEW FOR MINORS

(a) It is unlawful for any minor under seventeen (17) years or age to wander, linger, stroll, or play in or on the public streets, ways, roads, parks, facilities, playgrounds or other public grounds, public places, public buildings, places of amusement, dance halls, eating places, vacant lots, parking lots or other places open to the general public, unsupervised by an adult having the lawful authority to be at such place between the hours of 10:00 p.m. on any day and 6:00 a.m. the following day, provided, however, that on Fridays and Saturdays the effective hours shall be 11:00 p.m. and 6:00 a.m. the following day; and provided that the provisions of this section shall not apply in the following instances:

(1) When the minor is accompanied by his or her parent, guardian or adult person charged with lawful custody and care of the minor; or

(2) When the minor is upon an emergency errand directed by the minor's parent, guardian or other person having the lawful custody and care of the minor. As used herein, emergency shall mean a circumstance of immediate peril to life, limb, or property; or

(3) When the minor is returning directly home from a school activity, entertainment, recreational activity or dance; or

(4) When the minor is engaged in lawful employment, or traveling directly to lawful employment from home, or returning directly home from lawful employment; or

(5) When the minor is attending or travelling directly to or from any activity involving the exercise of first amendment right of free speech, freedom of assembly or free exercise of religion; or

(6) Interstate travel through the City of Odessa.

(b) It shall be unlawful for the parent, guardian or other person having custody or control of any minor under seventeen (17) years of age to permit or allow, or by insufficient supervision and control permit or allow, such minor to be upon the areas described in section (a) above during the times prohibited therein, subject to the exceptions in sections (a) (1) through (a) (6).

(c) It shall be unlawful for the owner, operator, or any employee engaged upon a business or public premises in the City of Odessa to knowingly permit or allow any minor to remain upon the premises of the business or public premises in violation of section (a) above, subject to the exceptions in sections (a) (1) through (a) (6).

2.305-2 LOITERING

1. Definition. As used in this section, "loitering" shall mean remaining idle in essentially one location and shall include the concepts of spending time idly, loafing, or walking about aimlessly, and shall also include the colloquial expression "hanging around".

2. Certain Types of Loitering Prohibited: No person shall loiter in a public place in such manner as to:
   a. Create or cause to be created a danger of a breach of peace;
   b. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
   c. Obstruct the free passage of pedestrians or vehicles;
   d. Obstruct, molest, or interfere with any person lawfully in any public place.

3. No person shall loiter in a public or private place in the nighttime and peek or peer in the door or window of any building or structure located thereon which is inhabited by human beings.

4. This paragraph shall include the making of unsolicited remarks of an offensive, disgusting, or insulting nature or which are calculated to annoy or disturb the person to, or in whose hearing, they are made.

5. Request to Leave. Whenever the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in section 2, any police officer may order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.

6. Loitering is punishable by a fine of up to Three Hundred and 00/100 ($300.00) Dollars and/or a term of imprisonment of not more than fifteen (15) days.

2.305-3 VAGRANCY

1. It shall be unlawful for mendicants or vagrants to frequent any depot store, theater, street, alley, sidewalk, park or other place publicly frequented in the City. Any person found sleeping in any such place, and who has not any established domicile or residence shall be considered to be a vagrant.

2. Vagrancy is punishable by a fine of up to Three Hundred and 00/100 ($300.00) Dollars and/or a term of imprisonment of not more than fifteen (15) days.

2.305-4 UNLAWFUL USE OF WEAPONS

Definitions. For the purposes of this Subchapter, the following words and phrases shall have the meanings specifically ascribed to them by this section:

1. ***Blackjack*** - Any instrument that is designed or adopted for the purpose of stunning or inflicting physical injury by striking a person, and which is readily capable of lethal use.

2. ***Concealable Firearm*** - Any firearm with a barrel less than sixteen inches in length, measured from the face of the bolt or standing breech.

3. ***Deface*** - To alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark.

4. ***Explosive Weapon*** - Any explosive incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury, or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon.

5. ***Firearm*** - Any weapon that is designed or adapted to expel a projectile by the action of an explosive.

6. ***Firearm Silencer*** - Any instrument, attachment, or appliance that is designed or adapted to muffle the noise made by the firing of any firearm.

7. ***Gas Gun*** - Any gas ejection device, weapon, cartridge, container or contrivance other than a gas bomb, that is designed or adapted for the purpose of ejecting any poison gas that will cause death or serious physical injury, but not any device that ejects a repellant or temporary incapacitating substance.

8. ***Intoxicated*** - Substantially impaired mental or physical capacity resulting from introduction of any substance into the body.

9. ***Knife*** - Any dagger, dirk, stiletto, or bladed hand instrument that is readily capable of inflicting serious physical injury or death by cutting or stabbing a person. For purposes of this Subchapter, *"knife"* does not include any ordinary pocketknife with no blade more than four inches in length.

10. ***Knuckles*** - Any instruments that consists of finger rings or guards made of a hard substance that is designed or adapted for the purpose of inflicting serious physical injury or death by striking a person with a fist enclosed in the knuckles.

11. ***Machine Gun*** - Any firearm that is capable of firing more than one shot automatically, without manual reloading, by a

single function of the trigger.

12. ***Projectile Weapon*** - Any bow, crossbow, pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person.

13. ***Rifle*** - Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger.

14. ***Short Barrel*** - A barrel length of less than sixteen inches for a rifle and eighteen inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall rifle or shotgun length of less than twenty-six inches.

15. ***Shotgun*** - Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smooth bore barrel by a single function of the trigger.

16. ***Spring Gun*** - Any fused, timed or non-manually controlled trap or device designed or adapted to set off and explosion for the purpose of inflicting serious physical injury or death.

17. ***Switchblade Knife*** - Any knife which has a blade that folds or closes into the handle or sheath, and

    a. That opens automatically by pressure applied to a button or other device located on the handle; or

    b. That opens or releases from the handle or sheath by the force of gravity or by the application of centrifugal force. [R.S.Mo. 571.010]

2.305-4.1 Unlawful use of weapons – exceptions - penalties

1. A person commits the crime of Unlawful Use of Weapons if he/she knowingly:

    a. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or
    b. Sets up a spring gun; or
    c. Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, R.S.Mo., or any building or structure used for the assembling of people; or
    d. Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
    e. Possesses or discharges a firearm or projectile weapon while intoxicated; or
    f. Discharges a firearm within one hundred yards of any occupied school house, courthouse, or church building; or
    g. Discharges or shoots a firearm at a mark, at any object, at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or
    h. Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any school, or into any election precinct on any election day, or into any building owned or occupied by any agency of the Federal government, State government, or political subdivision thereof, or into any public assemblage of persons met for any lawful purpose.

2. Subdivisions (1), (3), (4), (6), (7) and (8) of subsection 2 of this section shall not apply to or affect any of the following:

    a. 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;
    b. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
    c. Members of the armed forces or national guard while performing their official duty;
    d. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the State;

e. Any person whose bona fide duty is to execute process, civil or criminal.

3. Subdivisions (1), (5) and (8) of subsection 1 of this section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 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 dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State.

4. Carrying a dangerous weapon shall be punished by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days.

2.305-5 WEAPONS - DISCHARGE

1. It shall be unlawful to discharge any firearm or air gun, a BB gun, or any toy gun, projecting lead or any missiles except in a regularly established shooting gallery; provided that this section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty; nor to any citizen from discharging a firearm when lawfully defending person or property.

2. Violation of this section is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail.

2.305-6 WEAPONS - POSSESSION & SALE

1. A person commits a crime if he knowingly possesses, manufactures, transports, repairs, or sells:

   a. An explosive weapon;

   b. A machine gun;

   c. A gas gun;

   d. A short barreled rifle or shotgun;

   e. A firearm silencer;

   f. A switchblade knife;

   g. A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or

   h. Knuckles.

2. A person does not commit a crime under this section if his conduct:

   a. Was incident to the performance of official duty by the armed forces, national guard, a governmental law enforcement agency, or a penal institution; or
   b. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in subdivision (1) of this section; or
   c. Was incident to using any explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or
   d. Was incident to displaying the weapon in a public museum or exhibition; or
   e. Was incident to dealing with the weapon solely as a curio, ornament, or keepsake, or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon is a type described in subdivision (1), (3) or (5) of subsection 1 of this section it must be in such a non-functioning condition that it cannot readily be made operable. No short barreled rifle, short barreled shotgun, or machine gun may be possessed,

manufactured, transported, repaired or sold as a curio, ornament, or keepsake, unless such person is an importer, manufacturer, dealer, or collector licensed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968, U.S.C., Title 18, or unless such firearm is an "antique firearm" as defined in subsection 3* of section 571.080, or unless such firearm has been designated a "collectors item" by the Secretary of the Treasury pursuant to the U.S.C., Title 26, Section 5845(a).

3. Violation of this section is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail. [R.S.Mo. 571.020]

2.305-7 PEACE DISTURBANCE DEFINITIONS

For the purposes of sections 2.305-7 and 2.305-8:

1. ***"Property of Another"*** means any property in which the actor does not have a possessory interest;

2. ***"Private Property"*** means any place which at the time is not open to the public. It includes property which is owned publicly or privately;

3. ***"Public Place"*** means any place which at the time is open to the public. It includes property which is owned publicly or privately;

4. If a building or structure is divided into separately occupied units, such units are separate premises. [R.S.Mo. 574.030]

2.305-8 PEACE DISTURBANCE

1. A person commits the offense of Peace Disturbance if:

   a. He/She unreasonably and knowingly disturbs or alarms another person or persons by:

      (1) Loud noise; or

      (2) Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstance which are likely to produce an immediate violent response from a reasonable recipient; or

      (3) 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

      (4) Fighting; or

      (5) Creating a noxious and offensive odor.

   b. 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:

      (1) Vehicular or pedestrian traffic; or

      (2) The free ingress or egress to or from a public or private places.

2. Peace Disturbance is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail. [R.S.Mo. 574.010]

2.305-9 PRIVATE PEACE DISTURBANCE

1. A person commits the offense of private peace disturbance if he is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:

a. Threatening to commit a crime against any person; or

b. Fighting.

2. Private Peace Disturbance is punishable by a fine of up to Three Hundred and 00/100 ($300.00) Dollars and/or a term of imprisonment not to exceed fifteen (15) days. [R.S.Mo. 574.020]

2.305-10 UNLAWFUL ASSEMBLY

1. A person commits the offense of Unlawful Assembly if he/she knowingly assembles with six or more other persons and agrees with such persons to violate any of the criminal laws of this City, State, or of the United States with force or violence.

2. 2.Unlawful Assembly is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail. [R.S.Mo. 574.040]

2.305-11 RIOTING

1. A person commits the offense of Rioting if he/she knowingly assembles with six or more other persons and agrees with such persons to violate any of the criminal laws of this City, State or of the United States with force or violence and thereafter, while still so assembled, does violate any of said laws with force or violence.

2. Rioting is punishable by a fine up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail. [R.S.Mo. 574.050]

2.305-12 REFUSAL TO DISPERSE

1. 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.

2. Refusal to Disperse is punishable by a fine of up to Three Hundred and 00/100 ($300.00) Dollars and a term of imprisonment not to exceed fifteen (15) days. [R.S.Mo. 574.060]

2.305-13 FIREWORKS

1. It shall be unlawful for any person, firm or corporation to sell, possess, or explode, or cause to be sold, possessed, or exploded, any firecrackers, cannon crackers, torpedoes, or fireworks in any form whatever within the City of Odessa, Missouri, except on residential property on July 3rd, July 4th and July 5th, between the hours of 8:00 a.m. and 10:00 p.m.

2. Provided that it shall not be unlawful for any person, firm or corporation to possess or explode fireworks of any kind if permission therefor has been expressly granted by the Board of Aldermen of the City of Odessa after request made of them by any responsible organization for the sponsorship of a free display of such fireworks in a designated area and at a designated time, such time and place to be specified in the permission granted by the Board of Alderman, and such display to be properly supervised by the sponsoring organization.

3. Fireworks are punishable by a fine up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail. [R.S.Mo. 320.121]

4. Nothing in Section 2.305-13 shall be construed to prevent permittees from demonstrating or testing fireworks. Any such demonstration or test shall require the notification and approval of the local fire department and the Board of Aldermen. [RSMo 320.151(9)]

2.305-14 POSSESSION OF DEFACED FIREARM

1. A person commits the offense of possession of a defaced firearm if he/she knowingly possesses a firearm which is defaced.

2. Possession of a defaced firearm is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days. [R.S.Mo. 571.050]

2.305-15 RECEIVING STOLEN PROPERTY

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

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

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

    b. That he/she received other stolen property in another transaction within the year preceding the transaction charged;

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

3. Receiving stolen property is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days. [R.S.Mo. 570.080]

2.305-16 UNLAWFUL TRANSFER OF WEAPONS

1. A person commits the offense of unlawful transfer of weapons if he:

    a. Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen years old without the consent of the child's custodial parent or guardian, or recklessly, as defined in section 2.300-2, sells, leases, loans, gives away or delivers any firearm to a person less than eighteen years old without the consent of the child's custodial parent or guardian; provided, that this does not prohibit the delivery of such weapons to any peace officer or member of the armed forces or national guard while performing his official duty; or

    b. Recklessly, as defined in section 2.300-2, sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

2. Unlawful transfer of weapons is punishable by a fine up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days. [R.S.Mo. 571.045]

2.305-17 DEFACING FIREARM

1. A person commits the crime of defacing a firearm if he/she knowingly defaces any firearm.

2. Defacing a firearm is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days. [R.S.Mo 571.045]

2.305-18 DISORDERELY CONDUCT

A person shall be guilty of disorderly conduct if he or she:

1. Resists or obstructs the performance of duties by the City Police or any other authorized official on the City when known to be such an official.

2. Fails to obey a lawful order to disperse by Police Officer when known to be such an official, where one (1) or more persons are committing acts of disorderly conduct in the immediate vicinity and the public health and safety is imminently threatened.

3. Commits an act in a violent and tumultuous manner towards another person whereby that person is placed in danger of his life, limb or health.

4. Commits and acts in a violent and tumultuous manner toward another person whereby the property of any person is placed in danger of being destroyed or damaged.

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

6. Interferes with another's pursuit of a lawful occupation by acts of violence.

7. Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by the City Police or other lawful authority know to be such.

8. A person is in a public place under the influence of intoxicating liquor or drug(s) in such condition as to be unable to exercise care for his/her own safety or the safety of others.

9. Disorderly Conduct shall be punished by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days.

PORNOGRAPHY AND RELATED OFFENSES

2.306-1 DEFINITIONS

As used in this chapter the following terms shall mean:

1. *Child pornography* means any material or performance depicting sexual conduct, sexual contact, or a sexual performance as these terms are defined in section 566.061, RSMo, and which has as one of its participants or portrays as an observer of such conduct, contact, or performance a child under the age of eighteen; provided, that it shall not include material which is not the visual reproduction of a live event.

2. *Displays Publicly* means exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway or public sidewalk, or from the property of others or from any portion of the person's store, or the exhibitor's store or property when items and material other than this material are offered for sale or rent to the public.

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

4. *Furnish* means to issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide.

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

6. *Minor* means any person under the age of eighteen.

7. *Nudity* means the showing of post-pubertal human genitals or pubic area, with less than a fully opaque covering.

8. *Obscene* means any material or performance is obscene if:

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

    b. Taken as a whole with the average person, applying contemporary community standards, it depicts or describes sexual conduct in a patently offensive way; and

    c. Taken as a whole, it lacks serious literary, artistic, political or scientific value;

9. *Performance* means any play, motion picture film, videotape, dance or exhibition performed before an audience of one or more;

10. *Pornographic for Minors*. Any material or performance is *"pornographic for minors"* if the following apply:

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

    b. The material or performance depicts or describes nudity, sexual conduct, sexual excitement, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and

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

11. *Promote* means to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same.

12. *Sadomasochistic Abuse* means flagellation or torture by or upon a person as an act of sexual stimulation or gratification.

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

14. *Sexual Excitement* means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

15. *Wholesale promote* means to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, or to offer or agree to do the same for purposes of resale or redistribution. [R.S.Mo. 573.010]

2.306-2 PROMOTING PORNOGRAPHY

1. A person commits the offense of Promoting Pornography if, knowing its content and character, he:

   a. Promotes or possesses with the purpose to promote any pornographic material for pecuniary gain; or
   b. Produces, presents, directs or participates in any pornographic performance for pecuniary gain.

2. Promoting Pornography is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and a term of imprisonment of not more than ninety (90) days. [R.S.Mo. 573.030]

2.306-3 FURNISHING PORNOGRAPHIC MATERIALS TO MINORS

1. A person commits the offense of Furnishing Pornographic Material to Minors if, knowing its content and character, he:

   a. Furnishes any material pornographic for minors, knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor; or

   b. Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance.

2. Furnishing Pornographic Materials to Minors is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days. [R.S.Mo. 573.040]

2.306-4 EVIDENCE IN PORNOGRAPHY CASES

1. In any prosecution under sections 2.306-1 to 2.306-6 evidence shall be admissible to show:

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

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

   c. The degree of public acceptance in this State and in the Local Community;

   d. The appeal to prurient interests in advertising or other promotion of the material or performance;

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

2. Testimony of the author, creator, promoter furnisher, publisher, or expert testimony, relating to the factors entering into the determination of the issue of pornography, shall be admissible. [R.S.Mo. 573.050]

2.306-5 PUBLIC DISPLAY OF EXPLICIT SEXUAL MATERIAL

1. A person commits the offense of Public Display of Explicit Sexual Material if he knowingly:

   a. Displays publicly explicit sexual material; or

   b. Fails to take prompt action to remove such a display from property in his possession after learning of its existence.

2. Public Display of Explicit Sexual Materials is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days.

3. For purposes of this section, each day there is a violation of this section shall constitute a separate offense. [R.S.Mo. 573.060]

2.306-6 INJUNCTION AND DECLARATORY JUDGMENTS

1. Whenever material or a performance is being or is about to be promoted, furnished, or displayed in violation of section 2.306-2, 2.306-3, and 2.306-5, a civil action may be instituted in the Circuit Court by the City Attorney against any person violating or about to violate those sections in order to obtain a declaration that the promotion, furnishing or display of such material or performance is prohibited. Such an action may also seek an injunction appropriately restraining promotion, furnishing or display.

2. Such an action may be brought only in the circuit court of the county in which any such person resides, or where the violation is taking place or about to take place.

3. Any promoter, furnisher, or displayer of, or a person who is about to be a promoter, furnisher or displayer of, the material or performance involved may intervene as a right as a party defendant in the proceedings.

4. The trial court and the appellate court shall give expedited consideration to actions and appeals brought under this section. The defendant shall be entitled to a trial of the issues beginning within one week after joinder of issue and a decision shall be rendered by the court within two days of the conclusion of the trial. No restraining order or injunction of any kind shall be issued restraining the promotion, furnishing, or display of any material or performance without a prior adversary hearing before the court.

5. A final declaration obtained pursuant to this section may be used to form the basis for an injunction and for no other purpose.

6. All laws regulating the procedure for obtaining declaratory judgments or injunctions which are inconsistent with the provisions of this section shall be inapplicable to proceedings brought pursuant to this section. There shall be no right to jury trial in any proceedings under this section. [R.S.Mo. 573.070]

MISCELLANEOUS OFFENSES

2.307-1 ABANDONING MOTOR VEHICLE

1. A person commits the offense of abandoning a Motor Vehicle if he abandons any motor vehicle on the right-of-way of any public road or State highway or on or in any of the waters in this State or on the banks of any stream, or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof, or any political subdivision there of, or on any land or water owned, operated or leased by the Federal Government or on any private real property owned by another without his consent.

2. Abandoning a motor vehicle is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days. [R.S.Mo. 577.080]

2.307-2 ABANDONMENT OF AIRTIGHT OR SEMI-AIRTIGHT CONTAINERS

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

2. Subsection 1 of this section does not apply to an ice-box, refrigerator or other airtight or semi-airtight container locked in that part of a building occupied by a dealer, warehouseman or repairman.

3. The defendant shall have the burden of injecting the issue under subsection 2 of this section.

4. Abandonment of an airtight container is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days. [R.S.Mo. 577.100]

2.307-3 LITTERING

1. A person commits the offense of littering if he throws or places, or causes to be thrown or placed, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse, or rubbish of any kind, nature or description on the right-of-way of any public road or State highway or on or in any of the waters in this State or on the banks of any stream, or on any land or water owned, operated or leased by the state, any board, department, agency or commission thereof, or any political subdivision thereof, or on any land or water owned, operated or leased by the federal government, or on any private real property owned by another without his consent.

2. Violation of this section is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days. [R.S.Mo. 577.070]

2.307-4 WINDBLOWN REFUSE

1. It shall be unlawful to deposit or leave any refuse or material in such a place or condition that it can be blown by the wind so as to be scattered or caused clouds of dust or particles; and it shall be unlawful to permit the escape of suet, ashes, or other solid particles or results of combustion so as to be windblown or scattered.

2. Violation of this section is punishable by a fine of up to Three Hundred and 00/100 ($300.00) Dollars and/or a term of imprisonment not to exceed fifteen (15) days.

2.307-5 FIRES

1. It shall be unlawful for any person to burn any shavings, waste paper, or other combustible matter, in any street, alley

or other thoroughfare or public place, or near any inhabited place in the city, without first obtaining a permit from the Fire Chief.

2. It shall be unlawful to burn grass or leaves at any time between sunset and sunrise.

3. Violation of this section is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days.

2.307-5.1 OUTDOOR BURNING BAN PROCLAMATION

1. Whenever due to conditions of drought or other emergencies as determined in the sole discretion of the Mayor, it shall be the duty of the Mayor to issue a proclamation or proclamations banning all outdoor burning of trash, leaves, lawn waste, or other materials in the City of Odessa.

2. As heretofore provided, the Mayor shall implement provisions of this section to the extent of such periods as he deems necessary for the protection of property, human life and safety. Such proclamations shall be in effect for periods at the Mayor's discretion. The Mayor may issue proclamations amending any previously issued by him under this section. The Mayor may rescind or revoke any proclamations made by him should the emergency causing such action be resolved.

3. Any proclamation issued by the Mayor within the purview of this section shall be posted in at least two public places within the City and shall also be published at least once in a newspaper generally circulated within the City.

4. Any proclamation issued by the Mayor within the scope of this section shall take effect immediately and shall be in full force and effect until rescinded or revoked by the Mayor.

5. All employees of the City of Odessa are empowered to inspect for compliance with the provisions of this section. Any violations or apparent violations shall be turned over to the Odessa Police Department for enforcement.

6. Any person who violates the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than Five Hundred and 00/100 ($500.00) Dollars per occurrence or confined to the County Jail for a period of not longer than sixty (60) days or both.

2.307-5.2 WATER RESTRICTIONS EMERGENCY PROCLAMATION

1. *Enforcement*. Whenever the water supply of the City is low, or whenever the pressure maintained in the water tower or the water mains of the City is low, due to conditions of drought or other emergencies which may arise, it shall be the duty of the Mayor to issue a Proclamation or Proclamations stating the facts and prohibiting any person from using City water for any purpose other than for essential health, safety and welfare needs.

2. *Forms of Proclamations*. As heretofore provided, the Mayor shall implement provisions of this section to the extent and for such periods as he deems necessary for the protection of human life and safety. Such Proclamations shall be in effect for periods at the Mayor's discretion. In his Proclamations the Mayor may provide for a scheduled implementation of restrictions, or any portion thereof, as are provided for in this section. The Mayor may issue Proclamations amending any previously issued by him under this section. The Mayor may rescind or revoke any Proclamations made by him should the emergency causing such action be resolved.

3. *Notice*. Any Proclamation issued by the Mayor within the purview of this section shall be posted in at least two (2) public places within the City and shall also be published at least once in a newspaper generally circulated within the City.

4. *Effective Dates of Proclamations*. Any Proclamation issued by the Mayor within the scope of this section shall take effect immediately and shall be in full force and effect until rescinded or revoked by the Mayor.

5. *Enforcement Officials*. All employees of the City of Odessa are empowered to inspect for compliance with the provisions of this section. Any violations or apparent violations shall be turned over to the Odessa Police Department

for enforcement.

6. *Coordination with Government Agencies*. During times of water emergencies proclaimed by the Mayor, it shall be the duty of the City Administrator and the Water Superintendent to maintain close coordination with the Missouri Department of Natural Resources and such other agencies of the Federal, State, or other local governments as may have the abilities to assist the City during its period of emergency.

7. *Application of Regulations to Firms, Corporations or Institutions*. The provisions of this section shall apply to all persons using water both within and outside the corporate limits of the City, and regardless of whether any person, firm, corporation, or institution using water shall have a contract for water service with the City.

8. *Certain Uses May Be Prohibited*. In times of emergency proclaimed as herein provided, the following uses and withdrawals of water by any person shall be prohibited:

   a. "*Watering Yards*", namely, the sprinkling, watering, or irrigating of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers, or any other vegetation;

   b. "*Washing Mobile Equipment*", namely, the washing of automobiles, trucks, trailers, trailer-houses, railroad cars, or any other type of mobile equipment;

   c. "*Cleaning Outdoor Surfaces*", namely, the washing of sidewalks, driveways, filling station aprons, porches, and other outdoor surfaces;

   d. "*Cleaning Buildings*", namely, the washing of the outside of dwellings and of the inside and outside of office and other commercial buildings;

   e. "*Cleaning Equipment and Machinery*", namely, the washing and cleaning of any business or industrial equipment or machinery;

   f. "*Swimming Pools*", namely, swimming and wading pools, hot tubs or whirlpool baths, whether indoors or outdoors, used primarily for recreational or athletic uses;

   g. "*Ornamental Fountains*", namely, the operation of any ornamental fountain or other structure making a similar use of water;

   h. "*Escape Through Defective Plumbing*", namely, the escape of water through defective plumbing, which shall mean the knowing permission for defective plumbing to remain out of repair;

   i. "*Sale to Bulk Haulers*", namely, the sale of water to non-metered customers hauling the same to out-of-town consumers;

   j. "*Sale to Out-of-Town Consumer*", namely, all bulk or tank sale, coin-operated facilities where water is sold to persons hauling the same for their own use;

   k. "*Automatic or Commercial Car Washes*", namely, commercial coin-operated car wash or any other type of mobile equipment commercial washing operation;

   l. "*Dust Control*", namely, no water is to be used for the control of dust;

   m. "*Flushing Mains*", namely, no flushing of water mains by City Water Department employees except to alleviate specific customer complaints;

   n. "*Use From a Fire Hydrant*", namely, no use of water from a fire hydrant except for fighting fires, human consumption, or use in connection with animals;

   o. "*Ag Spray*", namely, etc.

9. *Restrictions on Outdoor Burning*. In times of emergency the Mayor may also issue a Proclamation banning any and all outdoor burning of trash, leaves, lawn waste, or other materials which may normally be burnt.

10. *Restrictions on Business, Institutional, and Industrial Uses*. In times of emergency any restrictions imposed of the consumption of City-supplied water shall first be levied against industrial, institutional, and business users, with the Mayor hereby empowered to limit the consumption of water by such users to the amount used during a corresponding month of the year previous to the emergency, a fraction thereof, or he may suspend such services entirely when, in his opinion, the welfare of the City so warrants.

11. *Exception for Businesses Necessary to the Public Welfare*. In any Proclamation issued by the Mayor curtailing the usage of water, provisions may be made to allow water usage in those cases that are, in the Mayor's opinion, necessary for the public health, safety, and welfare.

12. *Providing of Necessary Usage Data*. It shall be the duty of the Water Superintendent and the City Administrator to keep current and to have available such records of water usage as may be necessary to implement the provisions of this section, including the amount of water available for sale by the City and that normally consumed by its several customers.

13. *Residential Use of Water*. The restrictions herein imposed on the consumption of water within the City shall apply to residential users to the extent that the Mayor may also restrict the usage of water to certain hours of the day, divide the City into sections for the purpose of alternating water service on a scheduled basis, besides making applicable to such customers provisions of the preceding sections of this section. The Mayor is also hereby empowered to limit the consumption by residential users to the amount used by such users during the corresponding month of the year previous to the emergency, a fraction thereof, or he may suspend such services entirely when, in this opinion, said customer does not intend to practice water conservation at the expense and general welfare of other citizens.

14. *Exception to Maintain Sanitation*. Notwithstanding provisions hereinafter set forth, the Mayor shall have the authority to permit a reasonable use of water in any case necessary to maintain adequate health and sanitation standards.

15. *Termination of Water Service*. Whenever a customer of the City Water Service continues to violate the provisions of this section the Mayor may have said customer's water service disconnected at the water main and all costs for said disconnection shall be payable by said customer. Reinstatement of said service shall be at the discretion of the Mayor.

16. *Increased Costs for Water Service*. The Mayor, with the approval of the Board of Aldermen, is hereby empowered to increase the costs of water service by fifty percent (50%) if a customer violates the provisions of subsection 10 or subsection 13 of this section.

17. *Penalties*. Any person who uses any water furnished by the City in violation of this section shall be deemed guilty of a misdemeanor, and upon conviction may be fined not less than One Hundred and 00/100 ($100.00) Dollars or more than Five Hundred and 00/100 ($500.00) Dollars per occurrence, or confined to the County Jail for a period of not longer than sixty (60) days, or both.

2.307-6 ADVERTISING

1. It shall be unlawful to advertise any unlawful business or article in the city and it shall be unlawful to injure or deface any lawful advertisement or notice.

2. Violation of this section is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail.

2.307-7 ADVERTISING - PLACING MATTER IN MOTOR VEHICLES

1. It shall be unlawful for any person, firm or corporation whether a licensed bill poster or not, to distribute handbills, circulars, pamphlets, cards, pictures or any advertising material of any kind whatsoever, by placing the same in or

upon any motor vehicles standing or parked in the public streets of the city.

2. Violation of this section is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail.

2.307-8 PUBLIC DISPLAY OF MERCHANDISE

1. It shall be unlawful for any person, firm or corporation, or agent of the same, to use, occupy or encroach upon the sidewalks, streets, avenues, alleys, gutters, and other public places of the City for the display of goods, wares or merchandise, without first obtaining a permit from the Chief of Police for such use.

2. Every such encroachment shall constitute a separate offense, and likewise each and every day the same are maintained shall constitute a separate offense.

3. Violation of this section is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days.

2.307-9 SPORTS LIKELY TO INJURE A PASSERBY, OBSTRUCT TRAVEL

1. No person shall, in or upon any boulevard, street, sidewalk, public square or public park, engage in any sport or exercise likely to embarrass, obstruct or interfere with the passage of vehicles, horses, or pedestrians or to injure a passerby.

2. Engaging in sports likely to injure a passerby and obstruct travel is punishable by a fine of up to Three Hundred and 00/100 ($300.00) Dollars and a term of imprisonment not to exceed fifteen (15) days.

2.307-10 UNWHOLESOME BUSINESS

1. It shall be unlawful to establish or conduct any packing plant, slaughter house, rendering plant, tallow chandlery, soap factory, glue factory, tannery, or any offensive or unwholesome business within the city or within one-half mile of the limits thereof.

2. Violation of this section is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or up to ninety (90) days in jail.

2.307-11 SCAFFOLDS

1. Any scaffold or ladder placed in such a way that they overhang or can fall onto any public street, alley or other public place in the street, shall be firmly constructed and safeguarded; and it shall be unlawful to place or leave any tools of articles on any such place in such a manner that the same can fall onto any such street, sidewalk, alley or other public place from a height greater than four feet.

2. Violation of this section is punishable by a fine of up to Three Hundred and 00/100 ($300.00) Dollars and a term of imprisonment not to exceed fifteen (15) days.

2.307-12 REGISTERING OF DANGEROUS ANIMALS

1. No person may keep any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, canada lynx, bobcat, jaguarundi, hyena, wolf, or coyote, or any deadly, dangerous, or poisonous reptile, in any place other than a properly maintained zoological park, circus, scientific, or educational institution, research laboratory, veterinary hospital, or animal refuge, unless such person has registered such animals with the Police Department.

2. Violation of this section is punishable by a fine of up to Three Hundred and 00/100 ($300.00) Dollars and/or up to thirty (30) days in jail. [R.S.Mo. 578.023]

REGULATION OF CONTROLLED SUBSTANCES

2.308-1 DEFINITIONS

1. *Administer*: The direct application of a drug or controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

   a. A practitioner (or, in his presence, by his authorized agent), or

   b. The patient or research subject at the direction and in the presence of the practitioner.

2. *Controlled Substance*: Any drug or substance included in Schedules I through V of the Uniform Controlled Substances Act found in Chapter 195, of the Missouri Statutes Annotated; including, but not limited to:

   a. Cocaine and its derivatives.

   b. Opiates and opium derivatives such as heroin, codeine, pethidine, and morphine.

   c. Hallucinogenic substances including lysergic acid diethylamide, marijuana (cannabis sativa L), including seeds of mature plants, mescaline, psilocybin, and various types of methoxyamphetamines.

   d. Stimulants such as amphetamines and methamphetamines.

   e. Barbiturates and other depressants such as amobarbital, secobarbital, pentobarbital, phenobarbital, methaqualone, phencyclidine, and diazepam.

   f. Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yt)-6,7,10,10a-tetrahydrobenzo{c} chromen-1-ol, Indole, or 1-butyl-3(1-naphthoyl)indole, Indole, or 1-pentyl-3(1-naphthoyl)indole, and Phenol, CP 47, 497 & homologues, or 2-{(1R,3S)-3-hydroxycyclohexyl}-5-(2-methyloctan-2-yl)phenol;), where side chain n=5, and homologues where side chain n-4, 6, or 7 sometimes known as K-2, K-3, or Spice.

3. *Deliver or Delivery*: The actual, constructive or attempted transfer from one person to another of a controlled substance, drug paraphernalia or simulated drug or simulated controlled substance whether or not there is any agency relationship.

4. *Dispense*: To deliver a drug or controlled substance to an ultimate user or research subject by or pursuant to the unlawful order of a practitioner including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery.

5. *Distribute*: To deliver other than by administering or dispensing a drug or controlled substance.

6. *Drug*:
   a. Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them; or

   b. Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals;

   c. Substances intended for use as a component of any article specified in this definition. It does not include devices or their components, parts or accessories.

7. *Drug Paraphernalia*: All equipment, products and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, re-packaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of Chapter 195, R.S.Mo. It includes, but

is not limited to:

a. Kits used or intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

b. Kits used or intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

c. Isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substance;

d. Testing equipment used or intended for use in identifying. or in analyzing the strength, effectiveness or purity of controlled substances;

e. Scales and balances used or intended for use in weighing or measuring controlled substances;

f. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use in cutting controlled substances;

g. Separation gins and sifters used or intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

h. Blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances;

i. Capsules, balloons, envelopes and other containers used or intended for use in packaging small quantities of controlled substances;

j. Containers and other objects used or intended for use in storing or concealing controlled substances;

k. Hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body;

l. Objects used or intended for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

(1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(2) Water pipes;

(3) Carburetion tubes and devices;

(4) Smoking and carburetion masks;

(5) Cocaine vials;

(6) Chamber pipes;

(7) Carburetor pipes;

(8) Electric pipes;

(9) Air-driven pipes;

(10) Chillums;

(11)Bongs;

(12)Ice pipes or chillers.

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

a. Statements by an owner or by anyone in control of the object concerning its use;
b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any State or Federal law relating to any controlled substance;
c. The proximity of the object, in time and space, to a direct violation of this article.
d. The proximity of the object to controlled substances;
e. The existence of any residue of controlled substances on the object;
f. Direct or circumstantial evidence of the intention of an owner, or of anyone in control of the object, to deliver it to persons whom he knows intend to use the object to facilitate a violation of this act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this article shall not prevent a finding that the object is intended for use as drug paraphernalia;
g. Instructions, oral or written, provided with the object concerning its use;
h. Descriptive materials accompanying the object which explain or depict its use;
i. National and local advertising concerning its use;
j. The manner in which the object is displayed for sale.
k. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
l. The existence and scope of legitimate uses for the object in the community;
m. Expert testimony concerning its use.

8. *License or Licensed*: Persons required to obtain annual registration as issued by the State Division of Health as provided by Section 195.030 R.S.Mo.

9. *Manufacture*: The production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or re-packaging of the substance or labeling or re-labeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging or labeling of a controlled substance:

   a. By a practitioner or his agent pursuant to a lawful order of a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or

   b. By a practitioner or by his authorized agent under his supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or hospital as an incident to his or its dispensing of a controlled substance.

10. *Marijuana*: All parts of all varieties of the plant Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination.

11. *Person*: Individual, corporation, government, or governmental subdivision or agency, business trust, estate trust, partnership or association or any other legal entity.

12. *Pharmacist*: An individual currently licensed by the State Board to practice the profession of pharmacy in this State.

13. *Practitioner*: A physician (M.D. or D.O.), dentist, podiatrist, veterinarian, scientific investigator or other person licensed, registered or otherwise authorized by law to administer and prescribe, use in teaching or chemical analysis, or conduct research with respect to a controlled substance in the course of professional practice and research.

14. *Production*: Includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

15. *Prescription*: A written order, and in cases of emergency, a telephone order, issued by a practitioner in good faith in the course of his professional practice to a pharmacist for a drug for a particular patient which specifies the date of its issue, the name and address of the patient (and, if such drug is prescribed for an animal, the species of such animal), the name and quantity of the drug prescribed, the directions for use of such drug, and the signature of such practitioner.

16. *Simulated drugs or simulated controlled substances*: Any product which is identified by using a common name or slang term associated with a controlled substance and which indicates on its label or accompanying promotional material that the produce simulates the effect of a controlled substance. In determining whether an object is a simulated drug or simulated controlled substance, a court or other authority should consider, in addition to all other logically relevant factors, the following:

    a. Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;

    b. 2.Statements made to the recipient that the substance may be resold for inordinate profit;

    c. Whether the substance is packaged in a manner normally used for illicit controlled substances;

    d. Evasive tactics or actions utilized by the owner or person in control of the object, to avoid detection by law enforcement agencies;

    e. Prior convictions, if any, of an owner, or anyone in control of the object, under state or federal law related to controlled substances or fraud.

    f. The proximity of the substances to con-trolled substances.

17. *Warehouseman*: A person who, in the usual course of business, stores drugs for others, lawfully en-titled to possess them and who has no control over the disposition of such drugs except for the purpose of storage.

18. *Wholesaler*: A person engaged in the business of distributing drugs.

2.308-2 CONTROLLED SUBSTANCES

1. No person shall sell, give away, manufacture, use or possess for any purpose whatever any controlled substance except as provided herein.

2. Distributing by licensed practitioners is permitted under the following conditions:

    a. *Practitioners*. A licensed practitioner shall be permitted to dispense or distribute controlled substances and drugs to a person in the course of his professional practice only; and such licensed practitioner shall not be permitted to possess controlled sub-stances for any other purpose.

    b. *Pharmacists*. A licensed pharmacist shall be permitted to dispense or distribute controlled substances and drugs to persons under and in pursuance of written prescriptions issued by any licensed practitioner; and such licensed pharmacist shall not be permitted to possess controlled substances for any other purpose.

    c. *Record of distribution*. All instances of professional distribution of controlled substances and drugs as provided for herein shall be recorded in suitable form and filed and preserved in a manner so as to be readily accessible for inspection by any law enforcement officer of the city.

d. *Renewal prohibited*. No prescription for controlled substances shall be renewed or refilled.

3. Any person shall be permitted to possess controlled substances distributed or dispensed to him under the provisions of this section, but such possession and use must be in accordance with the prescription and prescribed treatment.

4. A person who is a licensed manufacturer, warehouse-man, or wholesaler of controlled substances shall be permitted to possess controlled substances for the purposes of wholesale delivery, compounding, preparation, and manufacture only; and the same shall only be resold to other persons permitted by this section to resell, or dispense or distribute controlled substances in the course of a licensed manufacturing or wholesale business, a licensed professional practice, or a licensed pharmaceutical business. A licensed manufacturer or wholesaler permitted to possess controlled substances in this subsection (d) may also be a licensed pharmacist and may dispense or distribute narcotic drugs upon written prescription as provided herein, but shall not consume or permit to be consumed any controlled substances except upon written prescription as herein provided.

5. All controlled substances in the possession of any person convicted of a violation of this section, shall be seized by, confiscated by, and forfeited to the chief of police, who shall make proper disposition thereof.

6. This section shall not apply to the administering or distributing or dispensing of any medicinal preparation that contains in one (1) fluid ounce, or if a solid or semi-solid preparation in one (1) avoirdupois ounce, not more than one (1) grain of codeine or any of its salts. Provided that the preparation administered or distributed or dispensed shall contain some drug or drugs of medicinal qualities in addition to those possessed by the controlled substance alone. Such preparation shall be administered, distributed, or dispensed in good faith and not for the purpose of evading this subsection. However, no person shall administer, dispense, or sell, under the exemption of this section, any preparation included in this subsection, when he knows, or can by reasonable diligence ascertain, that such administering, dispensing, or selling will provide the person to whom or for whose use such preparation is administered, dispensed or sold, within any forty-eight (48) consecutive hours, with more than four (4) grains of codeine or any of its salts.

7. g. The provisions of this section restricting the possession and control of controlled substances shall not apply to common carriers or warehousemen engaged in lawfully transporting or storing such controlled substances, or to any employee of such common carriers or warehousemen within the scope of is employment, or to public officers or employees in the performance of official duties requiring possession or control of controlled substances, or to persons aiding such officers or employees in performance of such duties.

8. Any person who violates this section is guilty of a misdemeanor and upon conviction may be imprisoned for not more than ninety (90) days, fined not more than five hundred dollars ($500.00), or both.

2.308-3 POSSESSION OF DRUG PARAPHERNALIA

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, re-pack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this article. Any person who violates this section is guilty of a misdemeanor and upon conviction may be imprisoned for not more than ninety (90) days, fined not more than five hundred dollars ($500.00), or both.

2.308-4 MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA

It is unlawful for any person to deliver, possess with intent to deliver, sell or advertise for sale, or manufacture with intent to deliver, drug paraphernalia, knowing it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, re-pack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this article. Any person who violates this section is guilty of a misdemeanor and upon conviction may be imprisoned for not more than ninety (90) days, fined not more than five hundred dollars ($500.00), or both.

2.308-5 DELIVERY OF DRUG PARAPHERNALIA TO A MINOR

Any person eighteen (18) years of age or over who violates section 2.308-4 by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years his junior is guilty of a special offense and upon conviction may be imprisoned for not more than ninety (90) days, fined not more than five hundred dollars ($500.00), or both.

2.308-6 DELIVERY OF A SIMULATED DRUG OR SIMULATED CONTROLLED SUBSTANCE TO ANY PERSON.

It shall be unlawful for any person to deliver any simulated drug or simulated controlled substance to another person. Any person who violates this section is guilty of a misdemeanor and upon conviction may be imprisoned for not more than ninety (90) days, fined not more than five hundred dollars ($500.00), or both.

2.308-7 CONSPIRACY

It shall be unlawful for any person to agree with any other person to engage in conduct which constitutes an offense under Section 2.308, when the purpose of such agreement is to promote or facilitate the commission of the offense.

1. A person shall be convicted of conspiracy to commit an offense only if an overt act in pursuance of such conspiracy is alleged and proved to have been done by him or by a person with who he conspired. A person may not be convicted of conspiracy if, after conspiring to commit the offense, he prevented the accomplishment of the objectives of the conspiracy under circumstances manifesting a renunciation of his criminal purpose and has either advised those with whom he has conspired of his abandonment, or has informed the law enforcement authorities of the existence of the conspiracy and his participation in it.

2. If a person conspires to commit a number of offenses, he is guilty of only one (1) conspiracy so long as such multiple offenses are the object of the same agreement.

3. A person may not be convicted or sentenced on the basis of the same course of conduct of both the actual commission of an offense and a conspiracy to commit that offense.

4. For the purpose of any applicable statute of limitations, a conspiracy is a continuing course of conduct which terminates when the offense or of offenses which are its object are committed or the agreement that they be committed is abandoned by the defendant and by those with whom he conspired.

5. In determining whether any person is guilty of conspiracy a court or other authority may consider, in addition to all other logically relevant factors, whether the individual charged.

    a. Provided materials necessary for the commission of any offense under Section 2.308, with the knowledge or intent that they be used in the commission of such offense.

    b. Rented or otherwise provided premises to any person with the knowledge or intent that such premises will be used in committing an offense under Section 2.308.

    c. Placed any newspaper, magazine, handbill or other publication, or posted, or distributed in any public place, any advertisement or solicitation with the knowledge that the purpose of the advertisement or solicitation is to promote activities which would constitute an offense under Section 2.308 of this Code.

6. Any person who violates this section is guilty .of a misdemeanor and upon conviction may be imprisoned for not more than ninety (90) days, fine not more than five hundred dollars ($500.00), or both.

MOTOR VEHICLE LICENSE

2.400-1 CITY MOTOR VEHICLE LICENSE REQUIRED

All motor vehicles owned by persons who are residents of this city, or by persons who maintain a living abode within this city and whose motor vehicles are not being used exclusively outside of this city, and all motor vehicles used for business purposes by businesses located within the city are required to have a city motor vehicle license, and it shall be unlawful for either an operator or owner of such motor vehicle to operate or park said vehicle upon any street or highway of this city without first procuring the proper city motor vehicle license. The original paid city personal property tax receipt shall be the city motor vehicle license. [R.S.Mo. 301.340]

2.400-2 FEES OTHER THAN COMMERCIAL MOTOR VEHICLES

The owner of each vehicle for which a license is required by virtue of Section 2.400-1 shall pay to the city a license tax on each such motor vehicle as follows:

Motor vehicles other than commercial motor vehicles:
Less than 12 horsepower - $2.50
Less than 24 horsepower - $3.50
24 horsepower or more - $5.00
Motorcycle or motorbike - $2.00
[R.S.Mo. 301.340]

2.400-3 FEES - COMMERCIAL MOTOR VEHICLES

Commercial motor vehicles shall be such motor vehicles as are designed or regularly used for carrying freight or merchandise, or passenger motor vehicles carrying more than eight passengers. The owner of each commercial vehicle for which a license is required by virtue of Section 2.400-1 shall pay to the city a license tax on each motor vehicle as follows:

Less than 2 tons - $3.50
2 tons or more - $5.00
[R.S.Mo. 301.340]

2.400-4 PAYMENT OF PROPERTY TAXES - REQUIRED FOR LICENSE

Hereafter the City Collector of the City of Odessa, Missouri, shall not issue to any applicant therefore a City license for any motor propelled vehicle to be operated within the limits of said city unless such applicant has first paid to the City Collector of said city all personal property taxes which may have been assessed against him for and on account of the property owned by said applicant, which said taxes shall appear upon the Personal Tax book and records of said city.

2.400-5 LICENSE DEADLINE; DELINQUENT PENALTY

All license taxes provided for by Sections 2.400-1 to 2.400-7 shall be paid annually on or before the 1st day of January in each year, and no motor vehicle shall be used, driven or operated upon the public highways of the city from and after the 1st of January, unless the owner shall have complied in all respects with the provisions of these sections. If such license tax is not paid on or before the date provided then the same penalty as imposed for other personal property taxes shall be added and collected before the issuance of such license.

2.400-6 Fees – USED FOR STREET IMPROVEMENT

The money derived from the motor vehicle license taxes shall, after expense of registering and licensing such motor vehicles have been paid, be placed in a special fund and be used for the repair and improvement of public highways of the City.

2.400-7 PENALTY

Any person, firm or corporation violating any of the provisions of Sections 2.400-1 to 2.400-9 shall, upon conviction, be punished by a fine of not less than Five Dollars ($5.00), nor more than One Hundred Dollars ($100.00) and costs.

BICYCLE AND MOTORIZED BICYCLE REGULATIONS

2.401-1 DEFINITIONS

As used in Sections 2.401-1 to 2.401-6:

1 The word "bicycle" shall mean every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels, or two parallel wheels and one or two forward or rear wheels, all of which are more than fourteen inches in diameter, except scooters and similar devices.

2 The term “motorized bicycle” shall mean any two-or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners’ or renters’ insurance policy. [RSMo 307.180]

2.401-2 BRAKES

Every bicycle and motorized bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle or motorized bicycle within twenty-five feet from a speed of ten miles per hour on dry, level, clean pavement. [RSMo 307.183]

2.401-3 LIGHTS AND REFLECTORS, WHEN REQUIRED – STANDARDS TO BE MET

Every bicycle and motorized bicycle when in use on a street or highway during the period from one-half hour after sunset to one-half 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 feet;

2. A rear-facing red reflector, at least two 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 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 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 feet. The provisions of this subdivision shall not apply to motorized bicycles which comply with National Highway Traffic and Safety Administration regulations relating to reflectors on motorized bicycles. [RSMo 307.185]

2.401-4 RIGHTS AND DUTIES OF 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 2.401-1 to 2.401-6 and except as to those provisions of Chapter 304 which by their nature can have no application. [RSMo 307.188]

2.401-5 RIDING TO THE RIGHT, REQUIRED FOR BICYCLES AND MOTORIZED BICYCLES

Every person operating a bicycle or motorized bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway shall ride as near to the right side of the roadway as safe, exercising due care when passing a standing vehicle or one proceeding in the same direction, except when making a left turn, when avoiding hazardous conditions, when the lane is too narrow to share with another vehicle, or when on a one-way street. Bicyclists may ride abreast when not impeding other vehicles. [RSMo 307.190]

2.401-6 USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED

1. No person upon roller skates, or riding in or by means of any coaster, skateboard, toy vehicle or similar device, shall go upon any roadway or sidewalk in a central business district 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. [RSMo 300.090]

2. No person shall use, operate or permit the use or operation of any coasters, roller skates, skateboard, or like instrument on any sidewalk, street, parking lot or other public place within the central business district of the city in a manner likely to embarrass, obstruct or interfere with pedestrian or vehicle traffic.

2.401-7 BICYCLES AND MOTORIZED BICYCLES PROHIBITED ON SIDEWALKS

1. No person shall ride a bicycle upon a sidewalk within the central business district.
2. No person shall ride a motorized bicycle upon any sidewalk within the city limits. [RSMo 300.347]

2.401-8 BICYCLE TO OPERATE ON THE SHOULDER ADJACENT TO ROADWAY, WHEN – ROADWAY DEFINED

1. A person operating a bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway may operate as described in section 2.401-5 or may operate on the shoulder adjacent to the roadway.
2. A bicycle operated on a roadway, or on the shoulder adjacent to a roadway, shall be operated in the same direction as vehicles are required to be driven upon the roadway.
3. For purposes of this section and section 2.401-5, “roadway” is defined as and means that portion of a street or highway ordinarily used for vehicular travel, exclusive of the berm or shoulder. [RSMo 307.191]

2.401-9 BICYCLE REQUIRED TO GIVE HAND OR MECHANICAL SIGNALS

The operator of a bicycle shall signal as required in section 304.019, RSMo, except that a signal by the hand and arm need not be given continuously if the hand is needed in the control or operation of or to control or operate the bicycle. An operator of a bicycle intending to turn the bicycle to the right shall signal as indicated in section 304.019, RSMo, or by extending such operator’s right arm in a horizontal position so that the same may be seen in front of and in the rear of the bicycle. [RSMo 307.192]

2.401-10 PENALTY FOR VIOLATION

Any person seventeen years of age or older who violates any provision of Sections 2.401-1 to 2.401-9 is guilty of an infraction, and upon conviction thereof, shall be punished by a fine of not less than five dollars nor more than twenty-five dollars. 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 years of age violates any provision of Sections 2.401-1 to 2.401-9 in the presence of a peace officer possessing the duty and power of arrest for violation of the general criminal laws of the state or for violating of ordinances of counties or municipalities of the state, said officer may impound the bicycle or motorized bicycle involved for a period not to exceed five days upon issuance of a receipt to the child riding it or to its owner. [RSMo 307.193]

2.401-11 LICENSE REQUIRED – OPERATION ON STREETS PROHIBITED, WHEN – VIOLATION, PENALTY

No person shall operate a motorized bicycle on any highway or street in this city unless the person has a valid license to operate a motor vehicle. Violation of this section shall be deemed a class C misdemeanor and shall be punishable by a fine of up to three hundred dollars ($300.00) and/or a term of imprisonment of up to fifteen (15) days. [RSMo 307.195]

2.401-12 EQUIPMENT REQUIRED

No person shall operate a motorized bicycle on any street or highway in this city unless it is equipped in accordance with the minimum requirements for construction and equipment of MOPEDS, Regulation VESC-17, approved July, 1977, as promulgated by the Vehicle Equipment Safety Commission, this state being a party thereto as provided in section 307.260, RSMo, and the regulation shall be published in the code of state regulations. [RSMo 307.196]

TRAFFIC REGULATIONS

2.402 TRAFFIC DEFINITIONS

The following words and phrases when used in this Subchapter mean:

1. ***Alley or Alleyway*** - any street with a roadway of less than twenty feet in width.

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

3. ***Central Business (or traffic) District*** - The congested district in the City shall include Second Street between Main Street and Dryden Street, and Mason Street and Dryden Street for a distance of one block in each direction from Second Street and Main Street for a distance of one block east of Second Street and Cobb Avenue from Second Street to First Street.

4. ***Commercial Vehicle*** - Every vehicle designed, maintained, or used primarily for the transportation of property.

5. ***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.

6. ***Crosswalk*** -

a. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway;

b. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

7. ***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.

8. ***Driver*** - Every person who drives or is in actual physical control of a vehicle.

9. ***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).

10. ***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.

11. ***Intersection***-

a. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

12. ***Laned Roadway*** - A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

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

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

15. ***Motorized Bicycle*** - any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the devise at a maximum speed of not more than thirty miles per hour on level ground.

16. ***Official Time Standard*** - Whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in the City.

17. ***Official Traffic Control Devices*** - All signs, signals, markings and devices not inconsistent with this ordinance placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

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

19. ***Passenger Curb Loading Zone*** - A place adjacent to a curb served for the exclusive use of vehicles during the loading or unloading of passengers.

20. ***Pedestrian*** - Any person afoot.

21. ***Perso****n* - Every natural person, firm, co-partnership, association or corporation.

22. ***Police Officer*** - Every officer of the Municipal Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

23. ***Private Road or Driveway*** - Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

24. ***Railroad*** - A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

25. ***Railroad Train*** - A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

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

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

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

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

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

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

32. ***Stop*** - When required, complete cessation from movement.

33. ***Stop or Stopping*** - When prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

34. ***Street or Highway*** - The entire width between the lines of every way publicly maintained when any part thereof is open to the uses of the public for purposes of vehicular travel. State Highway - A highway maintained by the State of Missouri as a part of the State highway system.

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

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

37. ***Traffic Control Signal*** - Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

38. ***Traffic Division*** - The traffic division of the Police Department of the City, or in the event a traffic division is not established, then said term whenever used herein shall be deemed to refer to the Police Department of the City.

39. ***Vehicle*** - any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers or motorized wheelchairs operated by handicapped persons. [R.S.Mo. 300.010]

2.403 POLICE ADMINISTRATION

There is established in the police department of each city adopting this ordinance a traffic division to be under the control of an officer of police appointed by and directly responsible to the Chief of Police. [R.S.Mo. 300.015]

2.403-1 DUTY OF TRAFFIC DIVISION

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 ordinance and the traffic ordinances of the city. [R.S.Mo. 300.020]

2.403-2 TRAFFIC REPORTS

The Traffic Division shall maintain a suitable system of filing traffic 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. [R.S.Mo. 300.040]

2.403-3 TRAFFIC DIVISION TO INVESTIGATE ACCIDENTS

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. [R.S.Mo. 300.030]

2.403-4 TRAFFIC ACCIDENT STUDIES

Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the city in conducting studies of such accidents and determining remedial measures. [R.S.Mo. 300.035]

2.403-5 TRAFFIC DIVISION TO SUBMIT ANNUAL TRAFFIC SAFETY REPORT

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. [R.S.Mo. 300.050]

2.403-6 CITY TRAFFIC ENGINEER

1. The office of city traffic engineer is established. The chief of Police or other designated city official shall serve as city traffic engineer in addition to his other functions, and shall exercise the powers and duties with respect to traffic as provided in this ordinance.

2. The city traffic engineer shall determine the installation and proper timing and maintenance of traffic control devices, conduct engineering analysis 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. [R.S.Mo. 300.060]

2.403-7 EMERGENCY AND EXPERIMENTAL REGULATIONS

1. 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 days.

2. The city traffic Engineer may test traffic control devices under actual conditions of traffic. [R.S.Mo. 300.065]

2.403-8 PENALTY

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this Subchapter shall be punished by a fine of not more than $500.00, or by imprisonment for not more than 90 days, or by both such fine or imprisonment.

2.404 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS

1. It shall be the duty of the officers of the police department or such officers as are assigned by the Chief of Police to enforce all street traffic laws of the city and all of the state vehicle laws applicable to street traffic in the city.

2. Officers of the police department or such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

3. Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic there at or in the immediate vicinity. [R.S.Mo. 300.075]

2.404-1 OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department

officials. [R.S.Mo. 300.080]

2.404-2 PERSONS PROPELLING PUSH CARTS OR RIDING ANIMALS TO OBEY TRAFFIC REGULATIONS

Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal drawn vehicle, shall be subject to the provisions of this ordinance applicable to the driver of any vehicle, except those provisions of this ordinance which by their very nature can have no application. [R.S.Mo. 300.085]

2.404-3 USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED

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. [R.S.Mo. 300.090]

2.404-4 PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS

The provisions of this ordinance shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county, or city, and it shall be unlawful for any said driver to violate any of the provisions of this ordinance, except as otherwise permitted in this ordinance. [R.S.Mo. 300.095]

2.404-5 EMERGENCY VEHICLE DEFINED - USE OF LIGHTS AND SIRENS - RIGHT-OF-WAY - PENALTY

1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 2.404-5.1, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

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

3. An "emergency vehicle" is a vehicle of any of the following types:

a. A vehicle operated by the state highway patrol, the state water patrol or a state park ranger, those vehicles operated by enforcement personnel by the division of motor carrier and railroad safety of the department of economic development, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United states, traffic officer or coroner or by a privately owned emergency vehicle company.

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

c. Any vehicle qualifying as an emergency vehicle pursuant to section 2.404-5.1.

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

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

f. Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provision s of chapter 44, RSMo;

g. Any vehicle operated by an authorized employee of the department of corrections, who as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the

threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility.

4. a. The driver of any vehicle referred to in subsection 3 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire;

b. The driver of an emergency vehicle may;

(1) Park or stand irrespective of the provisions of sections 304.014 to 304.026;

(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 prima facie speed limit so long as the driver 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 emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

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

6. Violation of this section shall be punishable by a fine of up to Five Hundred and 00/100 Dollars ($500..00) and/or a term of imprisonment not to exceed ninety (90) days. [R.S.Mo. 304.022]

2.404-5.1 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 2.404-5, 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 shall be punishable by a fine of up to Five Hundred and 00/100 Dollars ($500..00) and/or a term of imprisonment not to exceed ninety (90) days. {R.S.Mo. 304.022]

2.404-6 OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES

1. Upon the immediate approach of an Authorized Emergency Vehicle making use of audible and visual signals meeting the requirements of the laws of this State, or of a police vehicle properly and lawfully making use of an audible signal only:

(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.

2. This section shall not operate to relieve the driver of an Authorized Emergency Vehicle from the duty to drive with due regard for the safety of all persons using the highway. [R.S.Mo. 300.105]

2.404-7 IMMEDIATE NOTICE OF ACCIDENT

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 or more to one 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. [R.S.Mo. 311.110]

2.404-8 WRITTEN REPORT OF ACCIDENT

The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of five hundred dollars or more to one person shall, within five days after such accident, forward a written report of such accident to the Police Department. The provisions of this section shall not be applicable when the accident has been investigated at the scene by a police officer while such driver was present thereat. [R.S.Mo. 300.115]

2.404-9 WHEN DRIVER UNABLE TO REPORT

1. Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in Section 2.404-7 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give, or cause to be given, the notice not given by the driver.

2. Whenever the driver is physically incapable of making a written report of an accident as required in Section 2.404-8 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within five days after the accident make such report not made by the driver. [R.S.Mo. 300.120]

2.404-10 PUBLIC INSPECTION OF REPORTS RELATING TO ACCIDENTS

1. All written reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the Police Department or other governmental agencies having use for the records for accident prevention purposes, except that the Police Department or other governmental agency may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.

2. No written reports forwarded under the provisions of this section shall be used as evidence in any trial, civil or criminal, arising out of an accident except that the police department shall furnish upon demand of any party to such trial, or upon demand of any Court, a certificate showing that a specified accident report has 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. [R.S.Mo. 300.125]

2.404-11 TO PROHIBIT ALL-TERRAIN VEHICLES FROM OPERATING ON CITY STREETS

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

2. No person shall operate an all-terrain vehicle upon the streets of this City except as follows:

a. All-terrain vehicles owned and operated by a governmental entity for official use;

b. All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation.

c. All-terrain vehicles whose operators carry a special permit issued by this city pursuant to section 304.013,

R.S.Mo.

3. No person shall operate an off-road vehicle within any stream in this City, except that off-road vehicles may be operated within the waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns, or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

4. A person operating an all-terrain vehicle on a street or highway pursuant to the exception covered in this ordinance shall have a valid operator's or chauffeur's license but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour. When operated on a street or highway an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven 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 square inches and shall be day-glow in color.

5. No person shall operate an all-terrain vehicle:

a. In any careless way so as to endanger the person or property of another;

b. While under the influence of alcohol or any controlled substance; or

c. Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle unless the individual is at least eighteen year of age.

6. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.

7. A violation of this section shall be punishable by a fine of up to Three Hundred and 00/100 ($300.00) Dollars and/or a term of imprisonment not to exceed fifteen (15) days. [R.S.Mo. 300.348]

2.405 AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES

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 may deem necessary to regulate traffic under the traffic ordinances of the city or under state law or to guide or warn traffic. [R.S.Mo. 300.130]

2.405-1 MANUAL AND SPECIFICATIONS FOR TRAFFIC CONTROL DEVICES

All traffic control signs, signals and devices shall conform to the manual and specifications approved by the State Highway and Transportation Commission or resolution adopted by the legislative body of the City. All signs or signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the City. All traffic control devices so erected and not inconsistent with the provisions of this ordinance shall be official traffic control devices. [R.S.Mo. 300.135]

2.405-2 OBEDIENCE TO TRAFFIC CONTROL DEVICES

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this ordinance, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this ordinance. [R.S.Mo. 300.140]

2.405-3 WHEN OFFICIAL TRAFFIC CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES

No provision of this ordinance for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices

are required, such section shall be effective even though no devices are erected or in place. [R.S.Mo. 300.145]

2.405-4 OFFICIAL TRAFFIC CONTROL DEVICES - PRESUMPTION OF LEGALITY

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

2. Any official traffic control device placed pursuant to the provisions of this ordinance and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this ordinance, unless the contrary shall be established by competent evidence. [R.S.Mo. 300.150]

2.405-5 TRAFFIC CONTROL SIGNAL LEGEND - RIGHT TURN ON RED LIGHT, WHEN

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 2.405-6, 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 2.405-6, 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 subdivision;

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 Highway 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 required, 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 2.405-6, 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. [R.S.Mo. 300.155]

2.405-6 PEDESTRIAN CONTROL SIGNALS

Whenever special pedestrian control signals exhibiting the words "Walk" or "Don't Walk" are in place such signals shall indicate as follows:

1. "Walk", pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles;

2. "Wait" or "Don't Walk", no pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing. [R.S.Mo. 300.160]

2.405-7 FLASHING SIGNALS

1. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(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.

2. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in Section 2.409-2 of this ordinance. [R.S.Mo. 300.165]

2.405-8 LANE DIRECTION CONTROL SIGNALS

When lane direction control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown. [R.S.Mo. 300.170]

2.405-9 DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS

No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any traffic control device or any railroad sign or signal. [R.S.Mo. 300.175]

2.405-10 INTERFERENCE WITH OFFICIAL TRAFFIC CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof. [R.S.Mo. 300.180]

2.405-11 AUTHORITY TO ESTABLISH PLAY STREETS

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. [R.S.Mo. 300.185]

2.405-12 PLAY STREETS

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

2.405-13 CITY TRAFFIC ENGINEER TO DESIGNATE CROSSWALK AND ESTABLISH SAFETY ZONES

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 opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary;

2. To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians. [R.S.Mo. 300.195]

2.405-14 TRAFFIC LANES

1. 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.

2. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement. [R.S.Mo. 300.200]

2.406 SPEED LIMITS

Every person operating a motor vehicle upon the streets of the City of Odessa, Missouri, shall operate the same in a careful and prudent manner, exercising the highest degree of care in the operation thereof and shall operate such vehicle at a speed so as to not endanger life or limb or property, and shall operate said vehicle at a speed not in excess of 25 miles per hour on all streets in the City of Odessa, Missouri, except at the following locations where the speed limit shall be as follows: *{Ord. 2694 10/22/2007}*

(A). U.S. Route 40:

45 mph from West City Limits to Action Avenue;
35 mph from Action Avenue to East City Limits.

(B). Missouri Route 131:

30 mph from Route 40 south to Gateway-Western Railroad tracks;
20 mph from Gateway-Western Railroad tracks south to Dryden Street;
30 mph from Dryden Street south to South City Limit;
55 mph from Highway OO southbound to Starr School Road;
55 mph northbound from Starr School Road .25 miles north;
45 mph northbound from .25 miles north of Starr School Road to Highway OO

(C). School Zone:

15 miles per hour on school days from 7:00 a.m. to 7:00 p.m. at the following locations:
College Street between Second Street and Fifth Street;
First Street between Orchard Street and Dryden Street;
Third Street between College Street and Phillips Street.

(D). Alley from Mason Street to Dryden Street between Second Street and Third Street:

15 miles per hour.

(E) North Outer Road:

45 mph from West City Limits to Missouri Route 131.
40 mph from Missouri Route 131 to Calvary Hill Road

(F) Highway OO
45 mph from Missouri Route 131 to Remington Drive;
55 mph from Remington Drive to Van Horn Road.

2.407 REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTION

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

1. Right turns: Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

2. Left turns on Two-way Roadways: At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

3. Left turns on other than Two-way Roadways: At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered. [R.S.Mo. 300.215]

2.407-1 AUTHORITY TO PLACE AND OBEDIENCE TO TURNING MARKERS

1. 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.

2. When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications. [R.S.Mo. 300.220]

2.407-2 AUTHORITY TO PLACE RESTRICTED TURN SIGNS

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. [R.S.Mo. 300.225]

2.407-3 OBEDIENCE TO NO-TURN SIGNS

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign. No U-turns will be permitted as designated in Schedule I. [R.S.Mo. 300.230]

2.407-4 LIMITATIONS ON TURNING AROUND

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

2.408 AUTHORITY TO SIGN ONE-WAY STREETS AND ALLEYS

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. [R.S.Mo. 300.240]

2.408-1 ONE-WAY STREETS AND ALLEYS

Upon those streets and parts of streets and in those alleys described and designated by ordinance, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited. [R.S.Mo. 300.245]

2.408-2 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS

1. 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 direction during one 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.

2. 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. [R.S.Mo. 300.250]

2.409 RIGHT OF WAY AT INTERSECTIONS- SIGNS AT INTERSECTIONS

1. 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.

2. 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.

3. 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.

4. The City may designate through highways and erect stops 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.

a. Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in this section:

(1) Except when directed to proceed by a police officer or traffic-control signal every driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic in the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

(2) The driver of a vehicle approaching a yield sign shall in obedience to the sign slow down to a speed reasonable to the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such traffic is moving across or within the intersection.

b. When signs are erected giving notice thereof, drivers of vehicles shall obey such signs as designated by Schedule II.

5. 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.

6. 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. [R.S.Mo. 304.351]

7. The city traffic engineer 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 2.406. [R.S.Mo. 304.351]

2.409-1 STOP WHEN TRAFFIC OBSTRUCTED

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. [R.S.Mo. 300.290]

2.409-2 OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN

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

(1). A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(2). A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

(3). An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

2. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. [R.S.Mo. 300.295]

2.410 FOLLOWING FIRE APPARATUS PROHIBITED

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped

in answer to a fire alarm. [R.S.Mo. 300.300]

2.410-1 CROSSING FIRE HOSE

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway or streetcar track, to be used at any fire or alarm of fire, without the consent of the fire department official in command. [R.S.Mo. 300.305]

2.410-2 DRIVING THROUGH FUNERAL OR OTHER PROCESSION

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this ordinance. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers. [R.S.Mo. 300.310]

2.410-3 DRIVING IN PROCESSION

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe. [R.S.Mo. 300.315]

2.410-4 FUNERAL PROCESSION TO BE IDENTIFIED

A funeral composed of a procession of vehicles shall be identified as such by display of lighted vehicular headlamps.

2.410-5 WHEN PERMITS REQUIRED FOR PARADES AND PROCESSIONS

No funeral, procession or parade containing two hundred or more persons or fifty or more vehicles except the forces of the United States Army or Navy, the military forces of this State and the force 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. [R.S.Mo. 300.325]

2.410-6 VEHICLE SHALL NOT BE DRIVEN ON A SIDEWALK

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway. [R.S.Mo. 300.330]

2.410-7 LIMITATIONS ON BACKING

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic. [R.S.Mo. 300.335]

2.410-8 OPENING AND CLOSING VEHICLE DOORS

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. [R.S.Mo. 300.340]

2.410-9 RIDING ON MOTORCYCLES, ADDITIONAL PASSENGER, REQUIREMENTS

1. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

2. The operator of a motorized bicycle shall ride only astride the permanent and regular seat attached thereto, and shall not permit more than one person to ride thereon at the same time, unless the motorized bicycle is designed to carry more than one person. Any motorized bicycle designed to carry more than one person must be equipped with a passenger

seat and footrests for the use of a passenger. [R.S.Mo. 300.345]

2.410-10 RIDING BICYCLES, SLEDS, ROLLER SKATES, BY ATTACHING TO ANOTHER VEHICLE, PROHIBITED

No person riding upon any bicycle, motorized bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway. [R.S.Mo. 300.350]

2.410-11 CONTROLLED ACCESS

No person shall drive a vehicle onto or from any controlled access roadway except at such entrances and exits as are established by public authority. [R.S.Mo. 300.355]

2.410-12 RAILROAD TRAINS NOT TO BLOCK STREETS

It shall be unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five minutes; provided that this section shall not apply to a moving train or to one stopped because of an emergency or for repairs necessary before it can proceed safely. [R.S.Mo. 300.360]

2.410-13 DRIVING THROUGH SAFETY ZONE PROHIBITED

No vehicle shall at any time be driven through or within a safety zone. [R.S.Mo. 300.365]

2.410-14 DRIVE ON RIGHT OF HIGHWAY - TRAFFIC LANES - SIGNS

1. 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 where vehicles are obliged to move in one direction only or parking of motor vehicles is regulated by ordinance.

2. 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 traffic regulations thereunder;

(3). When the right half of a roadway is closed to traffic while under construction or repair;

(4). Upon a roadway designated as a one-way street and marked or signed for one-way traffic.

3. It is unlawful to drive any vehicle upon any highway or road which has been divided into two or more roadways by means of a physical barrier or by means of a dividing section or delineated by curbs, lines or other markings on the roadway, except to the right of such barrier or dividing section, or to make any left turn or semicircular or U-turn on any such divided highway, except in a crossover or intersection.

4. Whenever any roadway has been divided into three or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:

(1). A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;

(2). Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane, except when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively

to traffic moving in the direction the vehicle is proceeding and is sign-posted to give notice of such allocation;

(3). Upon all highways any vehicle proceeding at less than the normal speed of traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb;

(4). Official signs may be erected directing slow moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign;

(5). Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half of the main traveled portion of the roadway whenever possible.

5. All vehicles in motion upon a highway having two or more lanes of traffic proceeding in the same direction shall be driven in the right-hand lane except when overtaking and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals. [R.S.Mo. 304.015]

2.410-15 PASSING REGULATIONS

1. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations and exceptions hereinafter stated:

a. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and

b. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

2. The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:

a. When the vehicle overtaken is making or about to make a left turn;

b. Upon a City street with unobstructed pavement of sufficient width for two or more lines of vehicles in each direction;

c. Upon a one-way street;

d. The driver of a motor vehicle may overtake and pass another vehicle upon the right only under the foregoing conditions when such movement may be made in safety. In no event shall such movement be made by driving off the paved or main traveled portion of the roadway;

e. The provisions of this subsection shall not relieve the driver of a slow-moving vehicle from the duty to drive as closely as practicable to the right-hand edge of the roadway.

3. Except when a roadway has been divided into three traffic lanes, no vehicle shall be driven to the left side of the center line of a highway or public road in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

4. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

a. When approaching the crest of a grade or upon a curve of the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

b. When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, tunnel or

when approaching within one hundred feet of or at any intersection or railroad grade crossing. [R.S.Mo. 304.016]

2.410-16 SCHOOL BUS - STOPS - PASSING WHILE STOPPED

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. [R.S.Mo. 304.050]

2.410-17 DISTANCE AT WHICH VEHICLE MUST FOLLOW

The driver of a vehicle shall not follow another vehicle more closely than is reasonably safe and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the roadway. Vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated, except in a funeral procession or in a duly authorized parade, so as to allow sufficient space between each such vehicle or combination of vehicles as to enable any other vehicle to overtake or pass such vehicles in safety. [R.S.Mo. 304.017]

2.410-18 SLOW SPEED, REGULATION OF

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement or traffic, except when reduced speed is necessary for safe operation or in compliance with law. Peace officers may enforce the provisions of this section by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith, the continued slow operation by a driver is a misdemeanor. [R.S.Mo. 304.011]

2.410-19 PLACING GLASS ON HIGHWAY PROHIBITED

Any person who has purposely, accidentally, or by reason of an accident, dropped from his person or any vehicle, any tacks, nails, wire, scrap metal, glass, crockery, sharp stone or other substances injurious to the feet of persons or animals, or to the tires or wheels of vehicles, including motor vehicles, upon any highway shall immediately make all reasonable efforts to clear the highway of the substances. [R.S.Mo. 304.160]

2.410-20 CHILDREN FORBIDDEN TO OPERATE MOTOR VEHICLE

No person shall cause or knowingly permit his child or ward under the age of sixteen years to drive a motor vehicle upon any highway. [R.S.Mo. 302.250]

2.410-21 UNATTENDED MOTOR VEHICLE

No person shall leave a motor vehicle unattended on the highway without first stopping the motor and cutting off the electric current. [R.S.Mo. 304.150]

2.410-22 HAND AND MECHANICAL SIGNALS

No person shall stop or suddenly decrease the speed of or turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided herein:

1. An operator or driver when stopping, or when checking the speed of his vehicle, if the movement of other vehicles may reasonably be affected by such checking of speed, shall extend his arm at an angle below horizontal so that the same may be seen in the rear of his vehicle;

2. An operator or driver intending to turn his vehicle to the right shall extend his arm at an angle above horizontal so that the same may be seen in front of and in the rear of his vehicle, and shall slow down and approach the intersecting highway as near as practicable to the right side of the highway along which he is proceeding before turning;

3. An operator or driver intending to turn his vehicle to the left shall extend his arm in a horizontal position so that the same may be seen in the rear of his vehicle, and shall slow down and approach the intersecting highway so that the left side of his vehicle shall be as near as practicable to the center line of the highway along which he is proceeding before turning;

4. The signals herein required shall be given either by means of the hand and arm or by a signal light or signal device in good mechanical condition of a type approved by the State Highway Patrol; however, when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle then such signals shall be given by such light or device. A vehicle shall be considered as so constructed or loaded that a hand and arm signal would not be visible both to the front and rear when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereon exceeds fourteen feet, which limit of fourteen feet shall apply to single vehicles or combinations of vehicles. The provisions of this sub-division shall not apply to any trailer which does not interfere with a clear view of the hand signals of the operator or of the signaling device upon the vehicle pulling said trailer; provided further that the provisions of this section as far as mechanical devices on vehicles so constructed that a hand and arm signal would not be visible both to the front and rear of such vehicle as above provided shall only be applicable to new vehicles registered within this State after the first day of January, 1954. [R.S.Mo. 304.019]

2.410-23 WHEN LIGHTS REQUIRED

No person shall drive, move, park or be in custody of any vehicle or combination of vehicles on any street or highway during the times when lighted lamps are required unless such vehicle or combination of vehicles displays lighted lamps and illuminating devices as required. [R.S.Mo. 307.040]

2.410-24 OTHER EQUIPMENT OF MOTOR VEHICLES

1. **Signaling Devices:**

Every motor vehicle shall be equipped with a horn, directed forward, or whistle in good working order 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.

2. **Muffler Cutouts:**

Muffler cutouts shall not be used and no vehicle shall be driven in such manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device, or other parts, or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise as completely as is done in modern gas engine passenger motor vehicles. Any cutout or opening in the exhaust pipe between the motor and the muffler on any motor vehicle shall be completely closed and disconnected from its operating lever, and shall be so arranged that it cannot automatically open, or be opened or operated while such vehicle is in motion.

3. **Brakes:**

All motor vehicles, except motorcycles, shall be provided at all times with two sets of adequate brakes, kept in good working order, and motorcycles shall be provided with one set of adequate brakes kept in good working order.

4. **Mirrors:**

All motor vehicles which are so constructed or loaded that the operator cannot see the road behind such vehicle by looking back or around the side of such vehicle shall be equipped with a mirror so adjusted as to reveal the road behind and be visible from the operator's seat.

5. **Projections on Vehicles:**

All vehicles carrying poles or other objects, which project more than five feet from the rear of such vehicle, shall, during the period when lights are required by this chapter, carry a red light at or near the rear end of the pole or other object so projecting. At other times a red flag or cloth, not less than sixteen inches square, shall be displayed at the end of such projection.

6. **Towlines:**

When one vehicle is towing another, the connecting devise shall not exceed fifteen 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, except that such secondary coupling devise shall not be necessary if the connecting devise 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 vehicle s or to vehicles secured to the towing vehicle by a fifth-wheel type connection.

7. The provisions of subsection 6 of this section shall not apply to farm implements, or to any vehicle which is not required to be registered.

8. **Commercial motor vehicles and trailers:**
When being operated on any highway of this state shall be equipped with adequate and proper brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel tank, and any other safety equipment required by the state in such condition so as to obtain a certificate of inspection and approval as required by the provisions of section 307.360.

9. Devices attached to or towed by motor vehicles for the purpose of transporting hay shall have the protruding parts raised or retracted when not in use to a position which will not cause injury or damage to persons or property in the vicinity of such device when on highways of this state. [R.S.Mo. 307.170]

2.410-24-1 SEAT BELTS REQUIRED FOR PASSENGER CARS

1. As used in this section, the term "passenger car" means every motor vehicle designed for carrying ten persons or less and used for the transportation of persons; except that, the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles and trucks.

2. Each driver, except persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles, and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this state, shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements; except that, a child less than four years of age shall be protected as required in section 210.104 RSMo. Each driver of a motor vehicle transporting a child four years of age or more, but less than sixteen years of age, in the front seat of the motor vehicle shall secure the child in a properly adjusted and fastened safety belt. No person shall be stopped, inspected, or detained solely to determine compliance with this 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 or her body.

4. Each person who violates the provisions of subsection 2 of this section, 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. [R.S.Mo. 307.178]

2.410-24-2 TRANSPORTING CHILDREN UNDER SIXTEEN YEARS OF AGE, RESTRAINT SYSTEMS – PENALTY – EXCEPTIONS

1. As used in this section, the following terms shall mean:

(a) "Child booster seat", a seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 CFR 571.213, as amended, that is designed to elevate a child to properly sit in a federally approved safety belt system;

(b) "Child passenger restraint system", a seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 CFR 571.213, as amended, and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system;

(c) "Driver", a person who is in actual physical control of a motor vehicle.

2. Every driver transporting a child under the age of sixteen years shall be responsible, when transporting such child in a motor vehicle operated by that driver on the streets or highways of this city, for providing for the protection of such child as follows:

(a) Children less than four years of age, regardless of weight, shall be secured in a child passenger restraint system appropriate for that child;

(b) Children weighing less than forty pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child;

(c) Children at least four years of age but less than eight years of age, who also weigh at least forty pounds but less than eighty pounds, and who are also less than four feet, nine inches tall, shall be secured in a child passenger restraint system or booster seat appropriate for that child;

(d) Children at least eighty pounds or children more than four feet, nine inches in height shall be secured by a vehicle safety belt or booster seat appropriate for that child;

(e) A child who otherwise would be required to be secured in a booster seat may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation;

(f) When transporting children in the immediate family when there are more children than there are seating positions in the enclosed area of a motor vehicle, the children who are not able to be restrained by a child safety restraint device appropriate for the child shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front seat area. The driver transporting children referred to in this subsection in not in violation of this section. This subsection shall only apply to the use of a child passenger restraint system or vehicle safety belt for children less than sixteen years of age being transported in a motor vehicle.

3. Any driver who violates this section is guilty of an infraction and, upon conviction , may be punished by a fine of not more than Fifty ($50.00) Dollars and court costs.

4. The provisions of this section shall not apply to any public carrier for hire. The provisions of this section shall not apply to students four years of age or older who are passengers on a school bus designed for carrying eleven passengers or more and which is manufactured or equipped pursuant to Missouri Minimum Standards for School Buses as school buses are defined in RSMo 301.010. *[RSMo 307.179] [Ord. 2680 05-29-2007]*

2.410-25 STUDDED TIRES

No person shall operate any motor vehicle upon any road or highway of this State between the first day of April and the first day of November while the motor vehicle is equipped with tires containing metal or carbide studs. [R.S.Mo. 307.171]

2.410-26 DRIVING WHILE INTOXICATED

1. A person commits the offense of "Driving while Intoxicated" if he operates a motor vehicle while in an intoxicated or drugged condition. As used in this Subchapter, the term "drive", "driving", "operates", or "operating" means physically driving or operating or being in actual physical control of a motor vehicle. As used in this Subchapter, a person is in an "intoxicated condition" when he is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

2. Driving while Intoxicated is punishable by a fine of up to Five Hundred Dollars (500.00) and/or up to ninety (90) days in jail. No person convicted of or pleading guilty of 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 years. [R.S.Mo. 577.010]

2.410-26-1 CONSUMPTION OF ALCOHOLIC BEVERAGES IN MOVING MOTOR VEHICLE PROHIBITED

1. No person shall consume any alcoholic beverage while operating a moving motor vehicle upon the highways, or streets of the City of Odessa.

2. Any person found guilty of violating the provisions of this section is guilty of an infraction and upon conviction, may be punished by a fine of not more than Twenty-five ($25.00) Dollars and court costs. [R.S.Mo. 577.017]

2.410-27 DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT

1. A person commits the offense of "Driving with Excessive Blood Alcohol Content" if he operates a motor vehicle in this City with eight-hundredths of one percent or more by weight of alcohol in his blood. As used in this Subchapter, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred 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 Subchapter, the test shall be conducted in accordance with the provisions of Sections 577.020 to 577.041, R.S.Mo.

2. Driving with Excessive Blood Alcohol Content is punishable by a fine of up to Five Hundred Dollars ($500.00) and/or up to ninety (90) days in jail.

2.410-28 SETTING SPEED LIMITS OF TRAINS

Every person or corporation running, handling, or operating railway engines, cars, and trains within the Limits of the City of Odessa, Missouri, shall operate the same in a careful and prudent manner and at a speed so as to not endanger life or limb or property; and shall operate said railway engines, cars, and trains at a speed not in excess of 25 miles per hour on all railway tracks within the Limits of the City of Odessa, Missouri; except when the condition of any railway tracks within the Limits of the City of Odessa become classified by the Missouri Public Service Commission as Class 1, then the speed limit shall be 10 miles per hour on all railway tracks within the Limits of the City.

2.411 PEDESTRIANS SUBJECT TO TRAFFIC CONTROL DEVICES

Pedestrians shall be subject to traffic control signals as heretofore declared in Sections 2.405-5 and 2.405-6 of this ordinance, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in Sections 2.411 to 2.411-9. [R.S.Mo. 300.370]

2.411-1 PEDESTRIANS RIGHT-OF-WAY IN CROSSWALKS

1. When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

2. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

3. Subsection 1 shall not apply under the conditions stated in Subsection 2 of Section 2.411-4.

4. Whenever any vehicle is stopped at a marked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. [R.S.Mo. 300.375]

2.411-2 PEDESTRIANS TO USE RIGHT HALF OF CROSSWALKS

Pedestrians shall move, whenever practicable, upon the right half of crosswalks. [R.S.Mo. 300.380]

2.411-3 CROSSING AT RIGHT ANGLES

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk. [R.S.Mo. 300.385]

2.411-4 WHEN PEDESTRIAN SHALL YIELD

1. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

2. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

3. The foregoing rules in this section have no application under the conditions stated in Section 2.411-5 when pedestrians are prohibited from crossing at certain designated places. [R.S.Mo. 300.390]

2.411-5 PROHIBITED CROSSING

1. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

2. No pedestrian shall cross a roadway other than in a crosswalk in any business district.

3. No pedestrian shall cross a roadway other than in a crosswalk upon any street designated by ordinance.

4. No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements. [R.S.Mo. 300.395]

2.411-6 OBEDIENCE OF PEDESTRIANS TO BRIDGE AND RAILROAD SIGNALS

1. No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given.

2. No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed. [R.S.Mo. 300.400]

2.411-7 PEDESTRIANS WALKING ALONG ROADWAYS

1. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

2. Where sidewalks are not provided any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction. [R.S.Mo. 300.405]

2.411-8 HANDICAPPED PERSONS WITH WHITE CANE OR DOG, DRIVER TO TAKE ALL NECESSARY PRECAUTIONS

The driver of a vehicle approaching a blind or visually handicapped, deaf or partially deaf person or physically disabled person who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a guide dog, hearing dog or service dog shall yield to such blind pedestrian, and any driver who fails to take such precautions shall be liable in damages for any injury caused such pedestrian; provided that a totally or partially blind pedestrian not carrying such cane or using a guide dog, hearing dog or service dog in any of the places, accommodations or conveyances listed in section 209.150 RSMo, shall have all of the rights and privileges conferred by law upon other persons. [R.S.Mo. 304.080]

2.411-9 DRIVERS TO EXERCISE HIGHEST DEGREE OF CARE

Notwithstanding the foregoing provisions of Sections 2.405-5 to 2.411-9, every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated

person upon a roadway.

METHOD OF PARKING

2.412 STANDING OR PARKING CLOSE TO CURB

Except as otherwise provided in Sections 2.412 to 2.412-4, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb. No motor vehicle shall be parked in the same place for more than 72 consecutive hours. No vehicle larger than a pickup truck may be parked or left unattended on any street of the City of Odessa, Missouri, between the hours of 7:00 p.m. and 6:00 a.m. daily. [R.S.Mo. 300.415]

2.412-1 SIGNS OR MARKINGS INDICATING ANGLE PARKING

1. 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.

2. 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 [R.S.Mo. 300.420]

2.412-2 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKERS

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. [R.S.Mo. 300.425]

2.412-3 PERMITS FOR LOADING OR UNLOADING AT AN ANGLE TO THE CURB

1. The city traffic engineer is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein.

2. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

2.412-4 LAMPS ON PARKED VEHICLES

1. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred feet upon such street or highway no lights need be displayed upon such parked vehicle.

2. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements:

At least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of five hundred feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closer to passing traffic. The foregoing provisions shall not apply to a motor driven cycle.

3. Any lighted head lamps upon a parked vehicle shall be depressed or dimmed. [R.S.Mo. 300.435]

STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

2.413 STOPPING, STANDING OR PARKING PROHIBITED

1. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(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 feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;

(f) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(h) On any railroad tracks;

(i) At any place where official signs prohibit stopping;
(j) A yellow line on a curb shall constitute a "No Parking Zone."

(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 feet of a fire hydrant;

(c) Within twenty feet of a crosswalk at an intersection;
(d) Within thirty feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway;

(e) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five 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 or the purpose of and while actually engaged in loading or unloading merchandise or passengers:
(a) Within fifty feet of the nearest rail of a railroad crossing;
(b) At any place where official signs prohibit parking.

2. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful. [R.S.Mo. 300.440]

2.413-1 PARKING NOT TO OBSTRUCT TRAFFIC

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic. [R.S.Mo. 300.445]

2.413-2 PARKING IN ALLEYS

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property. [R.S.Mo. 300.450]

2.413-3 PARKING FOR CERTAIN PURPOSES PROHIBITED

No person shall park a vehicle upon any roadway for the principal purpose of:

1. Displaying such vehicle for sale; or

2. Repair such vehicle except repairs necessitated by an emergency. [R.S.Mo. 300.455]

2.413-4 PARKING ADJACENT TO SCHOOLS

1. 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 opinion, interfere with traffic or create a hazardous situation.

2. 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. [R.S.Mo. 300.460]

2.413-5 PARKING PROHIBITED ON NARROW STREETS

1. The city traffic engineer is authorized to erect signs indicating No Parking upon any street when the width of the roadway does not exceed twenty feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed thirty feet.

2. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign. [R.S.Mo. 300.465]

2.413-6 STANDING OR PARKING ON ONE-WAY STREETS

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. [R.S.Mo. 300.470]

2.413-7 STANDING OR PARKING ON ONE-WAY ROADWAYS

In the event a highway includes two or more separate roadways and traffic is restricted to one 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. [R.S.Mo. 300.475]

2.413-8 NO STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES

1. The city traffic engineer is hereby authorized to determine and designate by proper signs places not exceeding one hundred 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.

2. 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. [R.S.Mo. 300.480]

2.413-9 BLOCKING TRAFFIC

No vehicle shall so occupy any street as to unnecessarily interfere with or interrupt the free passage of other vehicles or hold up traffic.

STOPPING FOR LOADING OR UNLOADING ONLY

2.414 CITY TRAFFIC ENGINEER TO DESIGNATE CURB LOADING ZONES

The city traffic engineer is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable. [R.S.Mo. 300.485]

2.414-1 PERMITS FOR CURB LOADING ZONES

The city traffic engineer shall not designate or sign any curb loading zone upon special request of any person unless such person makes application for a permit for such zones. Every such permit shall expire at the end of one year. [R.S.Mo. 300.490]

2.414-2 STANDING IN PASSENGER CURB LOADING ZONE

No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three minutes. [R.S.Mo. 300.495]

2.414-3 STANDING IN FREIGHT CURB LOADING ZONES

No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. [R.S.Mo. 300.500]

2.414-4 CITY TRAFFIC ENGINEER TO DESIGNATE PUBLIC CARRIER STOPS AND STANDS

The city traffic engineer is hereby authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs. [R.S.Mo. 300.505]

2.414-5 STOPPING, STANDING AND PARKING OF BUSES AND TAXI-CABS REGULATED

1. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided therein.

2. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.

3. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

4. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers. [R.S.Mo. 300.510]

2.414-6 RESTRICTED USE OF BUS AND TAXI-CAB STANDS

No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxi-cab in a taxi-cab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such a stopping does not interfere with any bus or taxi-cab waiting to enter or about to enter such zone. [R.S.Mo. 300.515]

STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS

2.415 APPLICATION OF ORDINANCE

The provisions of this ordinance prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. [R.S.Mo. 300.520]

2.415-1 REGULATIONS NOT EXCLUSIVE

The provisions of this ordinance imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times. [R.S.Mo. 300.525]

2.415-2 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described by Schedule III. [R.S.Mo. 300.530]

2.415-3 PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified by ordinance on any day except Sunday, public holidays, and for funeral services within the district or upon any of the streets described by Schedule IV. [R.S.Mo. 300.535]

2.415-4 STOPPING, STANDING OR PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

When signs are erected in each block giving notice thereof, no person shall stop, stand, or park a vehicle between the hours specified by ordinance on any day except Sundays, public holidays, and for funeral services within the district or upon any of the streets described by Schedule V. [R.S.Mo. 300.540]

2.415-5 PARKING SIGNS REQUIRED

Whenever by this ordinance or any ordinance of the City any parking time limit is imposed or parking is prohibited on designated streets it shall be the duty of the 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. [R.S.Mo. 300.545]

2.415-6 COMMERCIAL VEHICLES PROHIBITED FROM USING CERTAIN STREETS

In cases where an equally direct and convenient alternate route is provided, an ordinance may describe and signs may be erected giving notice thereof, that no persons shall operate any commercial vehicle upon streets or parts of streets so described except those commercial vehicles making deliveries thereon. [R.S.Mo. 300.550]

2.416 UNIFORM TRAFFIC TICKET TO BE ISSUED WHEN VEHICLE ILLEGALLY PARKED OR STOPPED

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

Any violation of this section shall be punished by a fine of $10.00 if paid through the Traffic Violations Bureau. If not paid through the Traffic Violations Bureau, a violation shall punish pursuant to the provisions of Section 2.403-8 of the Code of

Ordinances. [R.S.Mo. 300.585]

2.416-1 WARNING OF ARREST SENT UPON FAILURE TO APPEAR

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 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 of the violation and warning him that in the event such letter is disregarded for a period of five days a warrant of arrest will be issued. [R.S.Mo. 300.590]

2.416-2 UNATTENDED VEHICLES AND REGULATION OF PARKING ON PRIVATE PROPERTY

(a) It shall be unlawful for any person to park or leave standing any motor vehicle upon privately owned or non-City owned land, parking lot or driveway, after notice has been posted as hereinafter provided by the owner, occupant, lessee or licensee, prohibiting, restricting or limiting such parking, without the express or implied consent of such owner, occupant, lessee or licensee of such land. A suitable sign or signs not less than eighteen (18) inches by twenty-four (24) inches in dimension, and bearing the words “NO PARKING” at least three (3) inches in dimension, together with any qualification or restrictions on such parking, if any, shall be conspicuously displayed on such land, parking lot or driveway by the owner, occupant, lessee or licensee thereof, where this article is to be effective. In addition, such notice shall state in letters at least one inch in height that unauthorized parking will result in the vehicle being removed at the owner’s expense, the maximum fee for towing and storing chargers, and the telephone number of the local police where information may be obtained twenty-four hours per day regarding towed vehicles. Defacing, tampering with or damaging such signs shall constitute a violation of this section. When so posted, no person shall park on the posted premises in violation of such notice. Any vehicle left in violation of such a posted notice may be towed from such property at the vehicle owner’s expense by a towing company licensed to operate within the City.

(b) Authorization to tow must be made in person by the owner or lessee of the property, or their property or security manager.

(c) Abandoned vehicles may be otherwise removed from private property under the provisions of Section 304.157 RSMo and the same is hereafter amended.

LICENSING VIOLATIONS

2.417 DRIVING WHILE LICENSE SUSPENDED OR REVOKED

It shall be unlawful for any person to drive a vehicle in this city when his privilege to do so has been suspended, revoked, or cancelled.

2.418 OPERATION OF MOTOR VEHICLE WITHOUT PROPER LICENSE PROHIBITED MOTORCYCLES - SPECIAL LICENSE - PROTECTIVE HEADGEAR

1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 2.418-1, to:

a. Operate any vehicle upon any highway in this state unless he has had a valid license;

b. Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows he 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, is conducted on such vehicle;

c. Authorize or knowingly permit a motorcycle or motortricycle owned by him or under his 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 therefore;

d. Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, R.S.Mo., upon any highway of this state 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. [R.S.Mo. 302.020]

2.418-1 EXEMPTIONS FROM LICENSE LAW

The following persons are exempt from license hereunder:

1. Any person while driving or operating any farm tractor, or implement of husbandry temporarily operated or moved on a street or highway.

2. A nonresident who is at least sixteen (16) years of age, and who has in his immediate possession a valid license issued to him in his home state or country;

3. A nonresident who is at least eighteen (18) years of age and who has in his immediate possession a valid license issued to him in his 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.;

3. 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. [R.S.Mo. 302.080]

2.419 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 nonresident 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, 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. [R.S.Mo. 301.130 (7)]

2.420 METHOD OF DISPLAYING LICENSE PLATES

The required license plates or temporary permit shall be fastened to a vehicle in such a manner as to be entirely unobscured, unobstructed, all parts thereof plainly visible and kept reasonably clean, fastened so that the letters or numerals are right side up and the plates do not swing. On all motor vehicles, one plate shall be displayed on the front and the other on the rear of such vehicle not less than eight (8) or more than forty-eight (48) inches above the ground, except that on trailers, motorcycles and motor-driven cycles one (1) plate shall be so displayed on the rear thereof. If only one (1) plate is issued, such plate shall be displayed on the rear of the vehicle. At nighttime, the rear plate shall be illuminated with a white light so as to be clearly visible from a distance of fifty (50) feet to the rear . [R.S.Mo. 301.130 (7)]

2.421 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. [R.S.Mo. 301.130]

2.422 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. [R.S.Mo. 301.210]

2.423 CERTIFICATE OF OWNERSHIP REQUIRED FOR REGISTERED VEHICLE

It shall be unlawful for any person to operate in this city a motor vehicle or trailer required to be registered under the provisions of the law, unless a certificate of ownership shall have been issued. [R.S.Mo. 301.190 (7)]

2.424 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 Sections 301.190, 301.210 and 301.215, Revised Statutes of Missouri, 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. [R.S.Mo. 301.210]

2.425 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 of use of 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. [R.S.Mo. 301.140 (1)]

2.426 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 2.425 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 and fifty cents ($10.50), to be returned to the buyer upon return to the dealer such number plates as a guarantee that said buyer will return to the dealer such number plates within fifteen (15) days. The director shall issue a temporary permit or paper plate authorizing the operation of a motor vehicle or trailer by a buyer for not more than twenty (20) days of the date of purchase. [R.S.Mo. 301.140 (3)]

2.427 PENALTY

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this Subchapter shall be punished by a fine of not more than $500.00, or by imprisonment for not more than 90 days, or by both such fine or imprisonment.

2.428 FINANCIAL RESPONSIBILITY REQUIRED

A. No person shall operate a motor vehicle registered in this State, whether owned by such operator or by another, upon the streets, alleys or highways of this City, unless such operator, or the owner of the vehicle, maintains financial responsibility which covers the operation of that vehicle by such operator.
B. No person shall operate a motor vehicle registered in this State, whether owned by such operator or by another, upon the streets, alleys or highways of this City, unless such operator exhibits proof of financial responsibility upon demand of a Police Officer, which proof covers the operation of that vehicle by such operator.
C. 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 such 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 accident.

D. Proof of financial responsibility may be shown by any of the following:
   a. An insurance identification card issued by a motor vehicle insurer or by the Director of Revenue of the State of Missouri for self-insurance, as provided by Section 303.024 of the Revised Statutes of Missouri. 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 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.
   b. A certificate of the State Treasurer of Missouri of a cash deposit as provided by Section 303.240 of the Revised Statutes of Missouri.
   c. A surety bond filed with the Director of Revenue of the State of Missouri as provided by Section 303.230 of the Revised Statutes of Missouri.

E. 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 office.

F. Failure of any person who operates a motor vehicle on the streets, alleys or highways of this City to exhibit proof of financial responsibility on the demand of any Police Officer who lawfully stops such person shall be prima facie evidence that such person, or that the owner of the vehicle, does not maintain financial responsibility as required by this Section.

G. However, no person shall be found guilty of violating this Section if the operator demonstrates to the court that he/she met the financial responsibility requirements of Section 303.025 RSMo, at the time the Police Officer wrote the citation.

H. No person shall display evidence of insurance to a Police Officer knowing there is no valid liability insurance in effect on the motor vehicle as required pursuant to this Article or knowing the evidence of insurance is illegally altered, counterfeit or otherwise invalid as evidence of insurance. If the Police Officer issues a citation to a motor vehicle operator for displaying invalid evidence of insurance, the officer shall confiscate the evidence for presentation in court. Any person convicted of violating this Section is guilty of an offense.

I. No person shall alter an invalid insurance card to make it appear valid. No person knowingly shall make, sell or otherwise make available an invalid or counterfeit insurance card. Any person who violates this section is guilty of an offense.

J. Any person, firm, or corporation violating this Section, shall be deemed guilty of an ordinance violation and shall, upon conviction thereof, be punished by a fine of not less than ten dollars ($10.00) nor more than three hundred dollars ($300.00) or may be imprisoned in the Lafayette County Jail for not more than fifteen (15) days, or both fine and imprisonment together with court cost therein for each and every violation.

2.430 TRUCK ROUTES

SECTION 2.430: Definitions

1. Implement of Husbandry – means every vehicle that is designed for agriculture purpose and exclusively used by the owner thereof in the conduct of agriculture operations.

2. Road – means any street, highway or route within the City Limits of Odessa, Missouri which is maintained by the City.

3. Semi-Trailer – means every vehicle with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rest upon or is carried by some other vehicle.

4. Trailer – means every vehicle with or without motive power, designed for carrying persons or property and for being

drawn by a motor vehicle and so contracted that no part of its weight rest upon the towing vehicle.

5. Truck – means every vehicle that is licensed over 24,000 pounds gross vehicular weight.

6. Truck-tractor – means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

7. Person – includes an agency, company, organization, firm, association, partnership, joint venture, corporation, trust or equivalent entity or a combination of any of them as well as a natural person.

SECTION 2.431: RULE OF CONSTRUCTION

Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

SECTION 2.432: AUTHORIZED TRUCK ROUTES

The following roads within the City Limits of Odessa, Missouri are hereby designated truck routes and classified for truck traffic:

1. The entire length of Old US Highway 40

2. The entire length of 2nd Street known as Highway 131

3. The entire length of OO Road

SECTION 2.433: PROHIBITION AGAINST TRAVEL ON OTHER THAN TRUCK ROUTES

Except as expressly permitted under this ordinance, no person shall operate a truck or truck-tractor and semi-trailer or truck-tractor and trailer combination of truck and trailer combination in the City Limits of Odessa, Missouri on any road other than a designated truck route.

SECTION 2.434: EXEMPTIONS

The truck route limitations prescribed in this ordinance shall not apply to:

1. Fire trucks or other emergency vehicles or vehicle on an emergency business involved in the saving of life or property.

2. Implements of husbandry incidentally moved upon a road.

3. City of Odessa, MO vehicles.

4. Garbage service vehicles while involved in the provision of services to residents of The City Limits of Odessa, Missouri.

SECTION 2.435: SINGLE PICK-UPS, DELIVERIES, SERVICE CALLS

A vehicle that would otherwise be restricted to truck routes and which is being used to make single pick-ups**,** deliveries or service calls in the City of Odessa, Missouri on roads other than designated truck routes shall restrict its travel to a minimum and shall not be driven or moved on other than truck routes except when being used to make single pick-ups, deliveries or service calls within the City Limits. Said vehicle shall be driven in such a manner as to leave a permitted truck route and proceed to its destination or destinations in the City of Odessa by the most direct route. Upon completion of the pick-ups, deliveries or service calls, the vehicle shall return to the nearest permitted truck route or leave the City of Odessa, Missouri by the most direct route. This section shall not be interpreted as permitting a vehicle otherwise restricted to a truck route from entering or leaving the City of Odessa by other than a truck route.

SECTION 2.436: LEAVING OR RETURNING TO HOME OR PLACE OF BUSINESS

Nothing herein shall prevent a truck or truck-tractor an semi-trailer, or truck tractor and trailer combination, or truck and trailer combination from leaving or returning to its City of Odessa ordinance approved customary storage location at the owner or operator's personal residence, or a commercial or industrial location in the City Limits, provided the most direct route to and from a designated truck route is utilized. This section does not override any standing ordinances within the City Limits of Odessa, Missouri.

SECTION 2.437: PERMITS

In all cases regulated by, and not specifically exempted by Section 2.434, or defined by Section 2.435 of this ordinance. The applicant shall submit a planned truck route to the Codes Enforcement Department which shall confer with the Public Works Director and the Street Department Supervisor to approve or modify the planned route. All operations requiring a permit issued by the Public Works, Code Enforcement or Community Development Departments shall submit a planned route at the time of application for permit if the operation will result in activities regulated by this ordinance.

1. In consultation with the Director of Public Work, The Street Department Supervisor, and the Chief of Police, the Codes Enforcement Officer may develop a schedule of priority for streets to be avoided and streets to be utilized when possible for operations regulated by this ordinance in lieu of such consultation required in Section 2.437.

SECTION 2.438: SIGNS

The City of Odessa shall procure and have posted appropriate signs along the designated truck routes as required by the laws of the State of Missouri.

SECTION 2.439: PENALTIES

Any person who violates any provision of this ordinance shall be guilty of a civil infraction and upon conviction shall be fined no more than $300.00 plus court fees.

MUNICIPAL COURT

2.500 COURT ESTABLISHED

There is hereby established in the City of Odessa a municipal court, to be known as the Odessa Municipal Court, a Division of the 15th Judicial Circuit Court of the State of Missouri. This court is a continuation of the Police Court of the City as previously established, and is termed herein "the Municipal Court". [R.S.Mo. 479.020]

2.501 JURISDICTION

The jurisdiction of the Municipal Court shall extend to all cases involving alleged violations of the ordinances of the City. Any person who shall violate any of the provisions of said ordinances or any part thereof shall, upon conviction, be punished by a fine of not more than Five Hundred ($500.00) Dollars or by imprisonment in the City Jail for a term of not more than ninety (90) days, or both by such fine and imprisonment. [R.S.Mo. 479.020 (1)]

2.502 SELECTION OF JUDGE

The Judge of the City's Municipal Court shall be known as a Municipal Judge of the 15th Judicial Circuit Court, and shall be selected as follows:

He shall be appointed to his position by the Mayor, subject to the confirmation of the Board of Aldermen, for a term as specified herein. [R.S.Mo. 479.020 (1)]

2.502-1 TERM OF OFFICE

The Municipal Judge shall hold his office for a period of two years and shall take office biannually from July, 1980. If for any reason a Municipal Judge vacates his office, his successor shall complete that term of office, even if the same be for less than two years. [R.S.Mo. 479.020 (1)]

2.502-2 QUALIFICATIONS FOR OFFICE

The Municipal Judge shall possess the following qualifications before he shall take office:

1. He may but need not be a licensed attorney, qualified to practice law within the State of Missouri.

2. It is preferred that he reside within the City Limits, however, it is not mandatory.

3. He must be a resident of the State of Missouri.

4. He must be between the ages of 21 and 75 years.

5. He may not hold any other office within the City government.

6. If he is not an attorney, he must, within six month after his selection to the position, satisfactorily complete a course of instruction for municipal judges as prescribed by the State Supreme Court.

7. The Municipal Judge shall be considered holding a part-time position, and as such may accept within the requirements of the Code of Judicial Conduct, Missouri Supreme Court Rule 2 other employment. [R.S.Mo. 479.020]

2.502-3 MUNICIPAL JUDGE; POWERS AND DUTIES GENERALLY

The Municipal Judge shall be and is hereby authorized to:

1. Establish a Traffic Violations Bureau as provided for in the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and Section 479.050 of the Revised Statutes of Missouri. [R.S.Mo. 479.050]

2. Administer oaths and enforce due obedience to all orders, rules and judgments made by him, and may fine and imprison for contempt committed before him while holding court, in the same manner and to the same manner and to the same extent as a Circuit Judge. [R.S.Mo. 479.070]

3. Commute the term of any sentence, stay execution of any fine or sentence, suspend any fine or sentence, and make such other orders as the Municipal Judge deems necessary relative to any matter that may be pending in the Municipal Court. [R.S.Mo. 479.190, Mo.S.C.R. 37.76]

4. Make and adopt such rules of practice and procedures as are necessary to implement and carry out the provisions of this Subchapter, 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 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.

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

2.502-4 DISQUALIFICATION OF MUNICIPAL JUDGE FROM HEARING PARTICULAR CASE

A Municipal Judge shall be disqualified to hear any case in which he is in anywise interested, or, if before the trial is commenced, the defendant or the Prosecutor files an affidavit that the defendant or the municipality, as the case may be, cannot have a fair and impartial trial by reason of the interest or prejudice of the Judge. Neither the defendant nor the municipality shall be entitled to file more than one affidavit or disqualification in the same case. [R.S.Mo. 479.220]

2.502-5 VACATION OF OFFICE

The Municipal Judge shall vacate his office under the following circumstances.

1. Upon removal from office by the State Commission on the Retirement, Removal and Discipline of Judges, as provided in Missouri Supreme Court Rule 12, or [Mo.S.C.R. 12]

2. Upon attaining his 75th birthday; however, if a duly appointed Judge shall attain his 75th birthday during the course of a term, he may continue to serve during the remainder of that term, but may not serve any further terms. [R.S.Mo. 476.450]

3. Should he fail, within six months of his selection, to satisfactorily complete a course of instruction for Municipal Judge as prescribed by the State Supreme Court. [Mo.S.C.R. 15]

2.502-6 TEMPORARY MUNICIPAL JUDGE

If a Municipal Judge be absent, sick or disqualified from acting, the Mayor may designate some competent, eligible person to act as Municipal Judge until such absence or disqualification shall cease; provided, however, that should a vacancy occur during the term of a Municipal Judge, the vacancy shall be filled according to the provisions of Section 2.502-1 to run until the end of that term. The Board of Aldermen shall provide by ordinance for the compensation of any person designated to act as Municipal Judge under the provisions of this section. [R.S.Mo. 479.230]

ADMINISTRATION

2.503-1 SUPERINTENDING AUTHORITY

The Municipal Court of the City shall be subject to the rules of the Circuit Court of which it is a part, and to the rules of the State Supreme Court. The Municipal Court shall be subject to the general administrative authority of the Presiding Judge of the Circuit Court, and the Judge and Court personnel of said Court shall obey his directives. [R.S.Mo. 479.020 (5)]

2.503-2 DOCKET AND COURT RECORDS

The Municipal Judge shall be a conservator of the peace. He shall keep a docket in which he shall enter by its proper title every case commenced before him, the date of the trial, the name of the complainant, the nature and character of the charges or offense, the names of the witnesses sworn and examined, the finding of the court, the judgment or fine and costs, the date and payment, the date of issuing commitment, if any, and any and every other fact necessary to show the full proceedings of each case. Such docket and records shall be records of the Circuit Court of Lafayette County. The Municipal Judge shall deliver the docket and records of the Municipal Court, and all books and papers pertaining to his office, to his successor in office or to the Presiding Judge of the Circuit. [R.S.Mo. 479.070]

2.503-3 REPORT TO BOARD OF ALDERMEN

The Municipal Judge shall cause to be prepared within the first ten days of every month a report indicating the following:

A list of all cases heard and tried before the Court during the preceding month, giving in each case the name of the defendant, the fine imposed if any, the amount of cost, the names of the defendants committed and the cases where there was an application for trial de novo, respectively. The same shall be prepared under oath by the Municipal Court Clerk or the Municipal Judge. This report will be filed with the City Clerk, who shall thereafter forward the same to the Board of Aldermen of the City for examination at its first session thereafter. The Municipal Court shall, within the ten days after the first of the month, pay to the Municipal Treasurer the full amount of all fines collected during the preceding months, if they have not previously been paid. [R.S.Mo. 479.070]

2.503-4 CLERK OF MUNICIPAL COURT

The Clerk of the Municipal Court shall be appointed to his position by the Mayor, subject to the confirmation of the Board of Aldermen. The duties of said Clerk shall be as follows:

1. To collect such fines for violations of such offenses as may be described, 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.

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 Violation Bureau cases or as directed by the Municipal Judge; generally act as Violation Clerk of the Traffic Violation Bureau.

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 City Clerk, a complete copy of the ordinances of the City of the municipality which shall constitute prima facie evidence of such ordinance before the Court. Further, to maintain a similar certified copy of file with the Clerk serving the Circuit Court of this County. [R.S.Mo. 479.060]

PRELIMINARY PROCEEDINGS

2.504-1 INFORMATION OR COMPLAINT

All Municipal ordinance violations shall be prosecuted by information or complaint, whichever is required by law, in the form and manner hereinafter provided, and shall be instituted by either the City Attorney, Chief of Police or by a complainant signing a complaint in writing under oath. [R.S.Mo. 479.090, Mo.S.C.R. 37.06]

2.504-2 DUTIES OF THE CITY'S PROSECUTING ATTORNEY

It shall be the duty of an attorney designated by the municipality to prosecute the violations of the City's ordinances before the Municipal Judge or before any Circuit Judge hearing violations of the City's ordinances. The salary or fees of the attorney and his necessary expenses incurred in such prosecutions shall be paid by the City. The compensation of such attorney shall not be contingent upon the result in any case. [R.S.Mo. 479.120]

2.504-3 ISSUANCE AND EXECUTION OF WARRANTS

All warrants issued by a Municipal Judge shall be directed to the Chief of Police or any other police officer of the municipality or to the Sheriff of the County. The warrant shall be executed by the Chief of Police, Police Officer, or Sheriff any place within the limits of the County and not elsewhere, unless the warrants are endorsed in the manner provided for warrants in criminal cases, and, when so endorsed shall be served in other Counties, as provided for in warrants in criminal cases. [R.S.Mo. 479.100]

2.504-4 ARRESTS WITHOUT WARRANTS

The Chief of Police or other police officers of the City may arrest on view, and without a warrant, any person he sees violating or who he has reasonable grounds to believe has violated any law of this State, including misdemeanors, or any ordinance of this City. The power of arrest authorized by this section is in addition to all other powers conferred upon the Chief of Police or other police officers of the City and shall not be construed so as to limit or restrict any other power of the Chief of Police or other police officers of the City. [R.S.Mo. 544.216]

2.504-5 JAILING OF DEFENDANTS

If in the opinion of the Municipal Judge, the City has no suitable and safe place of confinement, the Municipal Judge may commit the defendant to the County Jail, and it shall be the duty of the Sheriff, if space for the prisoner is available in the County Jail, upon receipt of a warrant of commitment from the Judge to receive and safely keep such prisoner until discharged by due process of law. The municipality shall pay the board of such prisoner at the same rate as may now or hereafter be allowed to such Sheriff for the keeping of such person in his custody. The same shall be taxed as costs. [R.S.Mo. 479.180]

TRIAL

2.505-1 TRANSFER OF COMPLAINT TO ASSOCIATE CIRCUIT JUDGE

If, in the progress of any trial before a Municipal Judge, it shall appear to the Judge that the accused ought to be put upon trial for an offense against the criminal laws of the State and not cognizable before him as Municipal Judge, he shall immediately stop all further proceedings before him as Municipal Judge and cause the complaint to be made before some Associate Circuit Judge within the County. [R.S.Mo. 479.170]

2.505-2 ISSUES OF FACT

All issues of fact shall be tried by the Judge except where trial by jury is authorized by law and the defendant or his attorney requests a trial by jury. [R.S.Mo. 479.140]

2.505-3 JURY TRIALS - CERTIFICATION

1. Any person charged with a violation of a Municipal ordinance of this City shall be entitled to a trial by jury. All jury trials shall proceed in the manner provided for the trial of a misdemeanor by the Rules of Criminal Procedure.

2. A request for a jury trial shall be made by motion filed at least ten (10) days prior to the scheduled hearing date. If the designation of the trial Judge occurs less than ten (10) days before trial, the application may be filed anytime prior to trial. The Judge shall promptly rule on a motion for jury trial. If the motion is sustained, the Municipal Court shall certify the case to the Presiding Judge of the Circuit Court for reassignment, as provided in Section 2 of Section 517.520, Revised Statutes of Missouri. [R.S.Mo. 479.130, R.S.Mo. 517.520]

2.505-4 CIVIL PROCEDURE APPLICABLE - WITNESSES - OATHS - CONTEMPT

The procedure prescribed by law in civil cases in respect to compelling the attendance and testimony of witnesses, the administration of oaths and affirmations and proceedings as for contempt to enforce the remedies and protect the rights of the parties, shall apply to and govern Municipal Court cases so far as they are applicable thereto and except as may be provided otherwise by State Supreme Court rules or by law. [R.S.Mo. 479.090, Mo.S.C.R.. 37.55]

2.505-5 CRIMINAL CONTEMPT

1. A criminal contempt may be punished summarily if the Judge certifies that he saw or heard the conduct constituting the contempt and that it was committed in his presence. The judgment of contempt and the order of commitment shall recite the facts and shall be signed by the Judge and entered of record.

2. All other instances of contempt shall be prosecuted on notice. If the contempt charges involve disrespect to or criticism of a Judge, that Judge is disqualified from presiding at the trial or hearing except with the defendant's consent. Upon a finding of guilt, the Judge shall recite in the judgment of contempt and in the order of commitment, the essential facts constituting the criminal contempt and fixing punishment. [Mo. S.C.R. 37.75]

2.505-6 AUTHORIZED DISPOSITION OF ORDINANCE VIOLATIONS

a) Whenever in this Code or in any ordinance or resolution of the City, any act is prohibited or is made or declared to be unlawful or an offense or an infraction, or whenever in such Code, ordinance or resolution the doing of any act is required or the failure to do any act is declared unlawful, where no specific penalty is provided therefore, the violation of any such provision of this Code, ordinance or resolution shall be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment not exceeding three (3) months or by both such fine and imprisonment; as may be just for any offense, recoverable with costs of suit, together with judgment of imprisonment, until the fine and costs are paid and satisfied. Each day any violation of any provision of this Code or of any such ordinance or resolution shall constitute a separate offence.

b) In addition to the penalty provided in sub-section (a), ant conviction cause or permitted to exist in violation of any of the provision of this Code or any such ordinance or resolution shall be deemed a public nuisance and may be, by the City, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

c) Whenever any person has been found guilty, or has plead guilty, to an offense under this Code, the judge of the municipal division may make one (1) or more of the following dispositions of the offender in any appropriate combination. The court may:

(1) Sentence the offender to any lawful term of imprisonment;
(2) Sentence the offender to pay a fine;
(3) Suspend the imposition of sentence, with or without placing the person on probation;
(4) Pronounce sentence and suspend its execution, placing the offender on probation; or
(5) Impose a period of detention as a condition of probation.

d) This section shall not be construed to deprive the court of any authority conferred by law. Any action authorized by this Code or other law may be taken by the municipal division as necessary.

TRAFFIC CASES

2.506-1 UNIFORM TRAFFIC TICKET - USE AND FORM

1. Use and Form.

In traffic cases, the complaint or information and summons shall be substantially in the form of the Uniform Traffic Ticket set out in form 37.1162-A as promulgated by the Supreme Court of the State of Missouri. The reverse sides shall be as set out in this form, with such additions as may be necessary to adapt the Uniform Traffic Ticket to the jurisdiction involved.

2. Issuance and Disposition.

The Judge or the Clerk of the Court, shall be responsible for all Uniform Traffic Tickets issued to law enforcement officers or others in his jurisdiction and for their proper disposition. Nothing herein shall be construed to prevent a Judge from delegating the above duties to a governmental agency. [Mo.S.C.R.. 37.46]

2.506-2 IMPROPER DISPOSITION OF TRAFFIC TICKET - CONTEMPT OF COURT

Any person who solicits or aids in the disposition of a traffic ticket or summons in any manner other than that authorized by the Court shall be proceeded against for criminal contempt in the manner provided in Section 2.515. [R.S.Mo. 479.090, Mo.S.C.R.. 37.47]

JUDGMENT AND SENTENCE

2.507-1 PRISONERS ON PUBLIC WORKS

Every person committed to jail or custody, who has been convicted and sentenced by the Court for violation of any ordinance or part of any ordinance, whether punishment be by fine or imprisonment, or by both, may be required to work and perform labor on the public streets, highways and alleys or other public works or buildings, for such purposes as the City may deem necessary. The Chief of Police, Street Commissioner, or other proper official shall have the power and be authorized and required to have or cause all such prisoners as may be directed by the Mayor, or other chief officer, to work out the full number of days for which they may have been sentenced, at breaking rock, or a working upon such public streets, highways, or alleys or other public works or buildings as may have been designated. If the punishment is by fine, and the fine is not paid, then for every Ten ($10.00) Dollars of such judgment the prisoner shall work one day. Provided, however, that no person shall be required to labor, who, from sickness or other cause may be physically incapable of doing so without material injury to health, and no person shall be required to work more than eight hours in any one day [R.S.Mo. 71.220]

2.507-2 PAROLE AND PROBATION

1. Any judge hearing violations of municipal ordinances may, when in his 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 shall be given a certificate explicitly stating the conditions on which he is being released.

2. 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:

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

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

3. A person may refuse probation conditioned on the performance of free work. If he does so, the court shall decide the

extent of 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 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, R.S.Mo.

4. The court may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the probation term. [R.S.Mo. 479.190]

2.508 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. [R.S.Mo. 479.200]

2.509 BREACH OF RECOGNIZANCE

In the case of a breach of any recognizance entered into before a Municipal Judge or an Associate Circuit Judge hearing a Municipal ordinance violation case, the same shall be deemed forfeited and the Judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the Municipality as plaintiff. Such action shall be prosecuted before a Circuit Judge or Associate Circuit Judge, and in the event of cases caused to be prosecuted by a Municipal Judge, such shall be on the transcript of the proceedings before the Municipal Judge. All monies recovered in such actions shall be paid over to the treasury of the Municipality. [RSMo 479.210]

2.510 SEARCHES AND SEIZURES

Chapter 542 RSMo relating to searches and seizures shall apply to the Municipal Court insofar as applicable.

COSTS

2.511-1 ITEMS ASSESSED AS COSTS

In addition to any fine that may be imposed by the Municipal Judge there shall be assessed as costs in all cases the following:

1. Costs of Court as are authorized in section 2.511-2

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

3. Actual costs assessed against the City by the County Sheriff for apprehension or confinement in the County Jail.

4. Mileage, in the same amount as provided to the Sheriff in criminal violations, for each mile and fraction thereof the officer must travel (both directions) in order to serve any warrant or commitment or order of this Court. [R.S.Mo. 479.260]

2.511-2 COSTS PER CASE

1. The minimum cost for cases in the Municipal Court of the City of Odessa, Missouri, to be assessed by the Court against defendants or other parties in said Court are $12.00 per case.
2. In addition, a fee of $2.00 may be assessed as costs in each Court proceeding for violations of Municipal ordinances, other than non-moving traffic violations, violations of fish and game regulations and driving of a motor vehicle without a valid motor vehicle registration license, unless the proceeding or defendant has been dismissed by the Court. Such additional fee shall be collected by the Clerk of the Court and shall be transmitted monthly to the Collector of the City of Odessa. All funds collected as a result of such additional fee shall be used only to pay for the training of law enforcement officers as provided for in Chapter 590, RSMo. Any excess funds not needed to pay for required training may be used to pay for additional training for peace officers or for training for other law

enforcement officers employed or appointed by the City of Odessa.

3. An additional fee of $1.00 may be assessed as costs as previously provided and such additional fee shall be collected by the Clerk of the Court and shall be transmitted monthly to the State Treasury to the credit of the Peace Officers Standards and Training Commission Fund as provided for in Chapter 590, RSMo. The City of Odessa shall participate in the Peace Officers Standards and Training Commission Fund to the extent allowed by law.
4. When the law enforcement training costs are assessed and collected, an additional fee of $7.50 shall be assessed in addition to other costs as previously provided and such additional fee shall be collected by the Clerk of the Court and shall be transmitted monthly in the amount of $7.13 to the State Treasury to the credit of the Crime Victims' Compensation Fund and the remaining thirty seven cents shall be transmitted to the City Collector. [RSMo 595.045]
5. An additional fee of $2.00 may be assessed as costs in each Court proceeding for violations of Municipal ordinances as provided for in Section 479.261, RSMo and such additional fee shall be collected by the Clerk of the Court and shall be transmitted monthly to the Treasurer of the County of Lafayette for the purpose of providing operating expenses for shelters for victims of domestic violence. [RSMo 479.260, RSMo 488.5336, RSMo 302.010, RSMo 595.045, RSMo 488.5332, RSMo 577.023, RSMo 488.607, RSMo 43.545]
6. An additional fee of $2.00 may be assessed as costs in each Court proceeding for violations of Municipal ordinances as provided for in Section 488.5026 RSMo and such additional fee shall be collected by the Clerk of the Court and shall be transmitted monthly to the Treasurer of the City of Odessa to be deposited in the inmate security fund. [RSMo 488.5026] {Ord. 2632 02/13/2006} {Ord. 2716 07/14/2008}
7. An additional fee of $7.00 may be assessed as costs in each Court proceeding for violations of Municipal ordinances as provided for in Section 488.012.3 (5) RSMo and such additional fee shall be collected by the Clerk of the Court and shall be transmitted monthly to the Missouri Department of Revenue to the credit of the Missouri Statewide Court Automation Fund as provided in Section 488.027 RSMo. {Ord. 2718 07/28/2008}

2.511-3 REIMBURSEMENT OF COST FOR ALCOHOL AND DRUG-RELATED TRAFFIC OFFENSES

1. Upon a plea of guilty, finding of guilt or conviction for violation of the provisions of Section 2.410-26 DRIVING WHILE INTOXICATED or Section 2.410-27 DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT, the Court may, in addition to imposition of any penalties provided by law, order the person to reimburse law enforcement authorities for the costs associated with such arrest.

2. Such costs shall include the reasonable cost of making the arrest, including the cost of any chemical tests 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.

3. Law enforcement authorities may establish a schedule of such costs for submission to the Court; however, the Court may order the costs reduced if it determines that the schedule of costs is excessive given the circumstances of the case or for good cause shown.

4. These fees shall be calculated as additional costs by the Municipal Court and shall be collected in the same manner as other costs and fees are collected and remitted to the City Collector. [R.S.Mo. 577.048]

2.600 ANIMALS RUNNING AT LARGE PROHIBITED

It shall be unlawful for the owner of any animal or animals of the species of horse, mule, ass, cattle, swine, sheep, or goat, to permit the same to run at large within the limits of the City of Odessa outside of the enclosure of the owner of such stock; and if any of the species of the domestic animals aforesaid be found running at large in the streets or alleys of said city, outside the enclosure of the owners, it shall be the duty of the Chief of Police or other police or ministerial officer, when on duty, to restrain and impound the same forthwith, and within three days after the taking up of the said animal or animals, the Chief of Police shall give notice thereof to the owner, if known, in writing, stating therein the compensation for feeding or keeping such animal or animals and fees claimed, and thereupon the owner shall pay to the Chief of Police for taking up such animal or animals. [R.S.Mo. 270.010]

2.601 SALE OF ANIMALS RUNNING AT LARGE

If the owner or owners of such stock shall fail or refuse, after being notified as provided in this Subchapter, to make compensation to the Chief of Police for the taking up, feeding and keeping such animal or animals, such stock shall be dealt with in the following manner:

If the owner or owners of such do not appear within five days after notice as provided in this Subchapter and claim such stock, the Chief of Police shall proceed to sell the same at public venue to the highest bidder for cash, first giving at least ten days notice of the time, terms, and place of sale, and of the property to be sold, by three written or printed handbills, posted in three public places in said city, and out of the proceeds of said sale, the Chief of Police shall pay for keeping, feeding, and costs attending the taking up and sale of said animal or animals, and the surplus, if any, shall be paid to the owner of such stock. [R.S.Mo. 270.010]

2.602 NOTICE WHERE OWNER UNKNOWN

If the owner or owners of such animal or animals be not known, the Chief of Police shall give notice by publication in some newspaper published in the City of Odessa, giving therein an accurate and minute description of said animal or animals, stating when the same was taken up by him, and that if said animal or animals be not redeemed within five days after the publication of such notice, he will proceed to sell such animal or animals in the manner and form as provided in this Subchapter, and out of the proceeds of such sale the Chief of Police shall pay for keeping, feeding and the costs attending the taking up and sale of said animal or animals, and the surplus, if any, shall be paid into the city treasury by the Chief of Police, taking the Treasurer's receipt therefor.

2.603 REDEMPTION OF ANIMAL

The owner of any animal taken up and impounded, as provided in this Subchapter, may redeem the same at any time on or before the day of sale by paying the Chief of Police his fees and such necessary expenses as have been incurred by reason of the detention of such animal or animals, and thereupon the Chief of Police shall forthwith deliver the animals so redeemed to the owner thereof or his or her legal representative.

2.604 RECORD OF SALES

The Chief of Police shall file in the office of the clerk an accurate record of every sale made under the provisions of this subchapter, which record shall contain a minute description of the animal sold, price paid and to whom sold; and the proceeds of such sale after deducting all proper fees and expenses shall be paid by the Chief of Police into the treasury to the credit of the city revenue fund, on or before the last day of each month.

2.605 REFUND TO OWNER AFTER SALE

The Mayor and Board of Aldermen, at any time before expiration of six months, may refund monies paid into the City Treasury under the provisions of this Subchapter, upon due proof an affidavit or other evidence that the person claiming such money was the legal owner of the animal or animals from the sale of which such money was paid into the City Treasury.

2.606 INTERFERENCE WITH PROVISIONS

If any person shall willfully break or otherwise open any pen or pound, and let out any animal impounded by virtue of and in accordance with the provisions of this Subchapter, or shall interfere with the Chief of Police, or his assistants or deputies, or attempt by force or otherwise to take out of their possession or custody, any animal that may be driven by them for the purpose of impounding the same, he shall forfeit and pay a fine of not less than five nor more than thirty dollars, to be recovered as other penalties before the municipal judge, for every offense, and the fees of the Chief of Police for taking up such animal shall be taxed as part of the costs.

DOG LICENSES

2.700 DOGS TO BE VACCINATED AND LICENSED

It shall be unlawful for any person within the city limits of the City of Odessa, Missouri, to own, keep, possess, harbor and control or to permit to remain on his premises any dog over the age of six (6) months which has not been vaccinated against rabies and licensed in accordance with the terms set forth in this Subchapter.

2.701 VETERINARIAN TO VACCINATE

Vaccination against rabies shall be performed by a duly licensed veterinarian.

2.702 LICENSE

A city dog license shall be issued by the City Collector when the following requirements have been met:

(a). Presentation of a certificate showing the name and address of the owner, sex of the dog, description of the dog, and date of vaccination against rabies. The certification of vaccination against rabies must indicate the dog has been vaccinated for a period not less than the period for which the City license is to be effective.

(b). Payment of a City license for each dog in the amount of $3.50 per dog.

2.703 EXCEPTIONS TO LICENSE FEE

No fee for a City license shall be required for a dog, but not more than one, owned by a blind person or a person sixty-five (65) years or older. Proof of blindness or age may be made in the form of an affidavit to be signed by the person applying for a license. Such affidavit, if based on blindness, shall recite that the applicant does not have vision greater than what is known as light perception. "Light perception", as used in this section, means vision sufficient only to distinguish light from darkness and recognize the motion, not the form, of the hand of the examiner at a distance not greater than one foot from the eye. All other provisions of this Subchapter shall remain in full force and effect as to such persons. In the event of a transfer of ownership to a person who is not blind or sixty-five years or older, immediate application for a new license is required.

2.704 KENNEL LICENSE

A kennel license shall be issued by the City Collector when the following requirements have been met:

(a). A signed application by an operator stating that four or more dogs, four or more cats, or a combination of four or more dogs and cats are to be kept on the premises.

(b). Payment of a fee of $10.50

(c). Presentation of proof satisfactory to the City Collector that vaccination against rabies for all dogs and cats kept on the premises have been performed; and, further, that the applicant agrees to have all dogs and cats kept by him vaccinated and have on file a certificate of the owner of such dogs cats that the same has been met.

(d). Satisfactory proof to the City Collector that the kennel is sufficient size so as to permit the dogs and cats to be well

cared for and humanely treated.

2.705 LICENSES DUE DATE

All dog licenses, as well as kennel licenses, shall be required to be purchased annually and shall be due and payable on the 1st day of October of each year and shall become delinquent on the 31st day of October.

2.706 DOG TO WEAR LICENSE TAGS

The owner of the dog shall cause the City license tags issued by the City to be securely fastened to the collar, said collar to be worn continuously around the dog's neck.

2.707 UNLAWFUL TO REMOVE TAGS

It shall be unlawful for any person to remove or cause to be removed a City license tag from a dog without written consent of the owner of said animal or animals.

2.708 DOGS RUNNING AT LARGE PROHIBITED

(a). It shall be unlawful for any person owning, keeping or harboring any dog to permit, suffer or allow said dog to run at large within the City. For the purpose of this section, any dog shall be deemed to have been permitted, suffered or allowed by its owner, keeper or harborer to run at large when found outside of the premises of the owner, keeper or harborer and not effectively physically restrained on a chain or leash, or behind a suitable fence or other proper method of physical restraint from which it cannot escape.

(b). A legally blind person using a Seeing Eye dog in the customary manner shall be deemed to be in compliance with this section.

(c). Official use of dogs by any governmental unit shall be deemed in compliance with this section.

2.709 ANIMALS CREATING A NUISANCE

No person shall own, harbor, maintain, or keep any animal which creates a public nuisance or disturbs a neighborhood. The following definitions and conditions shall be especially applicable to enforcement of the aforesaid prohibition of this section:

1. A Public Nuisance is any animal that is permitted or allowed to:

a. Repeatedly soil, defile, or defecate on property other than that of the animal's owner.

b. Damage property belonging to a person other than a person responsible for the animal.

c. Cause unsanitary or dangerous conditions.

d. Cause a disturbance by barking, howling, meowing, or any other noisemaking which is continuous, untimely, or of a length of time during hours of darkness or sleep.

e. Chase motor vehicles and bicycles.

f. Molest, threaten, attack, bite, or interfere with persons or other animals on public property or property not belonging to the person responsible for the animal.

g. Impede refuse collection, mail delivery, meter reading, or other public service.

h. Repeatedly tip, rummage through, or damage a refuse container.

2. Anyone having the authority of an Animal Control Officer including, but not limited to, any active City of Odessa Law Enforcement Officer, is given the authority to seize and impound any animal which is a public nuisance as defined by this section.

2.710 DANGEROUS DOGS

2.710-1 DEFINITIONS

As used in this section of the Code of Ordinances the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent: *[Ord. 2669 12-11-2006]*

A. ***Vicious Dog*** means

1. Any dog that when unprovoked, inflicts bites or attacks a human being or other animals either on public or private property, or in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or
2. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
3. Any dog which attacks a human being or domestic animal without provocation; or
4. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; or
5. Any dog not licensed according to city ordinance.

B. ***Enclosure*** means a fence or structure of at least six feet (6') in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

C. ***Animal Control Officer*** means any employee of the City whose duties include animal control as assigned.

D. ***Impounded*** means taken into the custody of the City.

E. ***Person*** means a natural person of any legal entity, including but not limited to, a corporation, firm, partnership or trust.

2.710-2 REQUIREMENTS FOR REGISTRATION

No vicious dog shall be licensed by the City for any licensing period commencing after enactment of this ordinance unless the owner or keeper of such vicious animal shall meet the following requirements:

A. The owner or keeper shall present to the City Clerk, proof that the owner or keeper has procured liability insurance in the amount of at least Three Hundred Thousand Dollars ($300,000.00) covering any damage or injury which may be caused by such vicious dog during the twelve (12) month period for which licensing is sought, which policy shall contain a provision requiring the City Clerk where such dog is licensed to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy.

B. The owner or keeper shall provide that the licensing number assigned to such vicious dog, or other identification number as the City Clerk shall determine, shall be noted on the animal's color or tag so as to be readily ascertainable by a law enforcement officer or emergency medical personnel. Said number shall be noted on the city licensing file for such vicious dog.

C. The owner or keeper shall display a sign on his or her premises warning that there is a vicious dog on the premises. Said sign shall be visible and capable of being read from the public street.

D. The owner or keeper shall sign a statement attesting that:

1. The owner or keeper shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve (12) month period for which licensing is sought, unless the owner or keeper shall cease to own or keep the vicious dog prior to expiration of such license.

2. The owner or keeper shall, on or prior to the effective date of such license for which application is being made, have a fenced enclosure for the vicious dog on the property where the vicious dog will be kept or maintained.
3. The owner or keeper shall notify the licensing authority within twenty-four (24) hours if a vicious dog is on the loose, is uncontained, has attacked another animal or has attacked a human, or has died or has been sold or given away. If the vicious dog has been sold or given away, the owner or keeper shall also provide the licensing authority with the name, address and telephone number of the new owner of the vicious dog.

An animal control officer is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this chapter, and any such animal control officer is hereby empowered to seize and impound any vicious dog whose owner or keeper fails to comply with the provisions hereof. *[Ord. 2669 12-11-2006]*

2.710-3 CONTROL OF VICIOUS DOGS

All vicious dogs shall be confined in an enclosure. It shall be unlawful for any owner or keeper to maintain a vicious dog upon any premises which does not have a locked enclosure.

It shall be unlawful for any owner or keeper to allow any vicious dog to be outside of the dwelling of the owner or keeper or outside of the enclosure unless it is necessary for the owner or keeper to obtain veterinary care for the vicious dog or to sell or give away the vicious dog or to comply with commands or directions of the animal control officer with respect to the vicious dog. In such event, the vicious dog shall be securely muzzled and restrained with a chain or leash having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length, and shall be under the direct control and supervision of a person over the age of eighteen (18) years. *[Ord. 2669 12-11-2006]*

2.710-4 PURPOSE OR INTENT – HARBORING

No person shall own or harbor any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging said dog to unprovoked attacks upon human beings or domestic animals.

No person shall with intent to sell, or offer for sale, breed, or buy or attempt to buy within the city any vicious dog. *[Ord. 2669 12-11-2006]*

2.710-5 PROBABLE CAUSE – SEIZURE

In the event that an animal control officer or law enforcement agent has probable cause to believe that a vicious dog is being harbored or cared for in violation of section 2.710-4, the animal control officer or law enforcement agent may order the seizure and impoundment of the vicious dog pending trial. *[Ord. 2669 12-11-2006]*

2.710-6 EXEMPTIONS

If a dog is ruled to be vicious for violation of section 2.710-1, subsection A, sub-subsection 5 solely, said vicious dog ruling shall be repealed upon compliance with the proper licensing procedures, all other provisions of this section dealing with vicious dogs shall not apply to said animal. *[Ord. 2669 12-11-2006]*

2.710-7 PENALTIES FOR VIOLATION

Any person found guilty of violating the provisions of this section shall be punished by a fine of not more than Five Hundred Dollars ($500.00) or imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment. The court shall have the power to order the impoundment, release, removal from the City, return to the City, or confinement by an individual of any animal seized, impounded, or the subject of a violation charge under this section after a preliminary or final hearing on the merits. Nothing herein shall in any way restrict the initial seizure or impoundment pursuant to this section. Nothing herein confers a right to any preliminary hearing before the court on any issue. The court shall have the power to assess the costs of boarding any dangerous animal boarded by the City upon conviction and cause said assessment to be paid. *[Ord. 2669 12-11-2006]*

2.710-8 SEVERABILITY

If any provision of this subchapter or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the subchapter and the application of such provisions to other persons and circumstances shall not be affected thereby. *[Ord. 2669 12-11-2006]*

2.711 DOGS OR OTHER ANIMALS PUTTING PERSONS IN FEAR

No person shall own, keep or harbor any dog or other animal which by jumping upon or threatening persons upon public streets shall cause persons to be put in fear of injury. This section shall apply to animals while being walked on leashes and the unprovoked attack by an animal on a leash upon any person shall constitute on assault or battery by the person holding the leash and failing to prevent unprovoked attack by such animal.

2.712 ABANDONMENT OF DOG OR CAT

No person shall release, dump or abandon within the City Limits any stray dog or cat.

2.713 DOGS OR CATS IN HEAT

The owner, keeper or person harboring any female dog or cat shall, during the period that such animal is "in heat," keep it securely confined and enclosed within a building except when out upon such person's premises briefly for toilet purposes while on leash or otherwise effectively physically restrained. For the purpose of this section, "briefly for toilet purposes" shall consist of a maximum time of fifteen (15) minutes on each separate occasion.

2.714 IMPOUNDING AND DISPOSAL OF CAPTURED DOGS OR CAT

1. Any dog or cat in violation of any section of this Subchapter is subject to being picked up and impounded in a place so provided by the City of Odessa.

2. Dogs or cats may be redeemed from the contract kennel by complying with the following provisions:

A. The owner may redeem his dog or cat as follows:
(a) Payment of fees and costs to the contract kennel for feeding, care, and boarding by the contract kennel for days dog or cat is impounded.

(b) If dog is unlicensed, compliance with the licensing section of this Subchapter, in addition to above requirements.

B. Any dog or cat left in the contract kennel over seven (7) days shall be disposed of in the following manner unless otherwise provided for by the owner:

(a) Any competent person may select an unclaimed dog or cat and upon compliance with the same provisions of this Subchapter as an owner and sterilization by a licensed veterinarian before relinquishing custody from the contract kennel, can become its owner.

(c) Dog or cat shall be disposed of in a humane manner.
[R.S.Mo. 273.403, R.S.Mo. 273.405]

2.715 EXCEPTION TO SEVEN (7) DAY DISPOSAL

1. Owner may make arrangements with the Animal Control Officer for a reasonable delay if circumstances do not permit him to immediately reclaim the dog or cat.

2. Any dog or other animal that has bitten or scratched a person or other animal must be kept, at owner's expense, in the contract kennel for a minimum of ten (10) days for observation and a report rendered to the person bit or scratched or to the owner of animal bit, of condition of confined animal concerning rabies. This report will also be rendered to any official that requires such a report. Any animal found to be rabid shall be disposed of as required by the health ordinances of this City or any laws of the State of Missouri.

3. Any dog classified as dangerous, as defined in this Subchapter, shall be disposed of as the Municipal Court may direct.

2.716 DISPOSING OF ANIMAL

Any person desiring to dispose of a dog or cat may do so by delivering it to the contract kennel and paying the fee to the contract kennel for the disposal.

2.717 INTERFERENCE WITH ENFORCEMENT

Any individual who shall hinder or obstruct an official in the enforcement of this Subchapter shall be punished by a fine of not less than Five Dollars ($5.00) and not more than Five Hundred Dollars ($500.00).

2.718 ENFORCEMENT

This subchapter shall be enforced by the police department or other persons designated by the Board of Aldermen to enforce this Subchapter.

PROHIBITING ANIMAL ABUSE AND NEGLECT

2.800 DEFINITIONS

For the purpose of this Subchapter, the following words and phrases shall have the meanings specifically ascribed to them by this section:

1. *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.

2. *Adequate control* - To reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal, or property.

3. *Animal* - Every living vertebrate except a human being.

4. *Animal shelter* - A facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other not for profit organization devoted to the welfare, protection, and humane treatment of animals.

5. *Farm animal* - An animal raised on a farm or ranch and used or intended for use in farm or ranch production, or as food or fiber.

6. *Harbor* - To feed or shelter an animal at the same location for three or more consecutive days.

7. *Humane killing* - The destruction of an animal accomplished by a method approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173:5972, 1978); or more recent editions, but animals killed during the feeding of pet carnivores shall be considered humanely killed.

8. *Owner* - In addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping, or harboring an animal.

9. *Person* - Any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

10. *Pests* - Birds, rabbits, or rodents which damage property or have an adverse effect on the public health, but shall not include any endangered species listed by the United States Department of the Interior nor any endangered species listed in the Wildlife Code of Missouri. [R.S.Mo. 578.005]

2.801 ACTS AND FACILITIES TO WHICH SECTIONS 2.800 TO 2.805 DO NOT APPLY

The provisions of sections 2.800 to 2.805 shall not apply to:

1. Care or treatment performed by a licensed veterinarian within the provisions of chapter 340, RSMo;

2. Bona fide scientific experiments;

3. Hunting, fishing, or trapping as allowed by chapter 252, RSMo, including all practices and privileges as allowed under the Missouri Wildlife Code;

4. Facilities and publicly funded zoological parks currently in compliance with the federal "Animal Welfare Act" as amended;

5. Rodeo practices currently accepted by the Professional Rodeo Cowboy's Association.

6. The killing of an animal by the owner thereof, the agent of such owner, or by a veterinarian at the request of the owner

thereof;

7. The lawful, humane killing of an animal by an animal control officer, the operator of an animal shelter, a veterinarian, or law enforcement or health official;

8. With respect to farm animals, normal or accepted practices of animal husbandry;

9. The killing of an animal by any person at any time if such animal is outside of the owned or rented property of the owner or custodian of such animal and the animal is injuring any person or farm animal but shall not include police or guard dogs while working;

10. The killing of house or garden pests; or

11. Field trials, training and hunting practices as accepted by the Professional Houndsmen of Missouri. [R.S.Mo. 578.007]

2.802 DUTIES OF DOG AND CAT OWNERS

The owner of a dog or cat shall provide it with humane shelter from heat, cold, rain, wind and snow, and shall give it food and water adequate to keep the animal in good health and comfort. Animal shelters, to include dog houses and kennels, shall be soundly constructed, dry and provided in cold weather with clean bedding. All dogs or cats must be given an opportunity for vigorous daily exercise and must be provided by their owners with veterinary care when needed to prevent suffering. No owner shall permit a dog or cat habitually to bark, howl, meow or cry, or in other ways to be a public nuisance.

2.803 ANIMAL NEGLECT

1. A person is guilty of animal neglect when he has custody or ownership or both of an animal and fails to provide adequate care or adequate control, including, but not limited to, knowingly abandoning an animal in any place without making provisions for its adequate care which results in substantial harm to the animal.

2. Animal neglect is punishable by fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days. [R.S.Mo. 578.009]

2.804 PROHIBITING ENTICEMENT OF ANIMAL FROM PREMISES OF OWNER

It shall be unlawful for any person to tease, aggravate or entice in any manner any animal belonging to another person from the premises of the owner or to offer or tempt any animal with any liquid or meat or other food which shall cause prostration or convulsion or death, or be proved to be toxic or lethal to any man or domestic animal in the amount present by a competent medical doctor or licensed veterinarian.

2.805 ANIMAL ABUSE

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

1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of sections 2.800 to 2.805 and 273.030, RSMo.

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

3. Having ownership or custody of an animal knowingly fails to provide adequate care or adequate control.

B. Animal abuse is punishable by a fine of up to Five Hundred and 00/100 ($500.00) Dollars and/or a term of imprisonment not to exceed ninety (90) days.

C. For purposes of this section, "*animal*" shall be defined as a mammal.

2.806 PENALTY

Any person, firm or corporation violating any provision of this Subchapter, where another penalty is not specified, shall be punished by a fine of not less than Five and 00/100 Dollars ($5.00) and not more than Five Hundred and 00/100 ($500.00).

SALE OF TOBACCO PRODUCTS TO MINORS

2.900 DEFINITIONS

For the purpose of this Subchapter, the following words and phrases shall have the meanings specifically ascribed to them by this section: (RSMo 407.925)

1. *Center of youth activities*, any playground, school or other facility, when such facility is being used primarily by persons under the age of eighteen for recreational, educational or other purposes;
2. *Distribute*, a conveyance to the public by sale, barter, gift or sample;
3. *Minor*, a person under the age of eighteen;
4. *Municipality*, the city within which tobacco products are sold or distributed.
5. *Person*, an individual, partnership, co-partnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the state or federal government, or any other legal entity which is recognized by law as the subject of rights and duties;
6. *Proof of age*, a driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid;
7. *Rolling papers*, paper designed, manufactured, marketed, or sold for use primarily as a wrapping or enclosure for tobacco, which enables a person to roll loose tobacco into a smokeable cigarette;
8. *Sample*, a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotional purposes;
9. *Sampling*, the distribution to members of the general public of tobacco product samples;
10. *Tobacco products*, any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco;
11. *Vending machine*, any mechanical electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

2.901 REQUIRED SIGN

The owner of an establishment at which tobacco products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products are sold and on every vending machine where tobacco products are purchased a sign that shall:

1. Contain in red lettering at least one-half inch high on a white background the following: "It is a violation of state and city law for cigarettes or other tobacco products to be sold to any person under the age of eighteen"; and
2. Include a depiction of a pack of cigarettes at least two inches high defaced by a red diagonal diameter of a surrounding red circle, and the words "Under 18". (RSMo 407.927)

2.902 PROOF OF AGE REQUIRED

1. A person selling tobacco products or rolling papers or distributing tobacco product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen.
2. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of subsections 2 and 3 of section 2.903. No person shall be liable for more than one violation of subsections 2 and 3 of section 2.903 on any single day. (RSMo 407.929)

2.903 UNLAWFUL TO SELL OR DISTRIBUTE TOBACCO PRODUCTS TO MINORS

1. It shall be unlawful for any person to engage in tobacco product distribution to persons under eighteen years of age.
2. No person shall sell any tobacco product or distribute any tobacco product or rolling papers to any minor. This subsection shall not apply to the distribution by family members on property that is not open to the public.
3. Any person who violates subsection 1 or 2 of this section or section 407.927 shall be fined:
    a. For the first offense, twenty five dollars;
    b. For the second offense, one hundred dollars;
    c. For a third and subsequent offense, two hundred fifty dollars.
4. If a sale is made by an employee of the owner of an establishment in violation of section 2.900 to 2.904, the employee shall be guilty of an offense established in subsections 2 and 3 of this section. If a vending machine is in violation of section 2.901, the owner of the establishment shall be guilty of an offense established in

subsections 2 and 3 of this section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in subsections 2 and 3 of this section. (RSMo 407.931)

2.904 UNLAWFUL TO PURCHASE OR ATTEMPT TO PURCHASE TOBACCO PRODUCTS BY MINORS

No other person less than eighteen years of age shall purchase, attempt to purchase or possess cigarette or other tobacco products unless such person is an employee of a seller of cigarettes or tobacco products and is in such possession to effect a sale in the course of employment.

Any person less than eighteen years of age shall not misrepresent his or her age to purchase cigarettes or tobacco products.

Any person who violates the provisions of this section shall be penalized as follows:

1. For the first violation, the person is guilty of an infraction and shall have any cigarettes or tobacco products confiscated;
2. For a second violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes or tobacco products confiscated and shall complete a tobacco education or smoking cessation program, if available. (RSMo 407.933)

CHAPTER 3

LICENSING AND REGULATION OF BUSINESS

Published 8/8/11

CHAPTER THREE
LICENSING AND REGULATION OF BUSINESS

Subchapter A: City Licenses and Regulations of Businesses, Trades and Occupations

3.100 BUSINESS, ACTIVITIES FOR WHICH LICENSE IS REQUIRED

Every corporation, company, association, joint stock company or association, partnership and person, their lessees trustees or receivers appointed by any court whatsoever, engaged in any business occupation, pursuit, profession or trade, or in the keeping or maintaining of any institution, establishment, article, utility or commodity, shall procure and pay for a license therefor from the City, and such license fee shall be in the respective amount set out in this Subchapter, except as otherwise provided in this Code of Ordinances or other ordinances.

3.101 COMPLIANCE WITH ZONING REGULATIONS REQUIRED

All licenses are subject to licensee's compliance with all zoning requirements. Any license may be revoked for failure to comply with the zoning requirements and upon application, licensee may be refunded the unused portion of the annual license fee paid for such revoked license.

3.102 PAYMENT OF PERSONAL PROPERTY TAX, SALES TAXES AND MERCHANT'S TAX REQUIRED

No license or permit provided for or required under any ordinance of the City shall hereafter be issued by any Department thereof to any person until the City personal tax and merchant's tax for all preceding years and charges for sewer connections lawfully due shall have been paid.

Where a license is sought under this chapter for a business where goods are sold at retail, the applicant must first have obtained a state retail sales license indicating that applicant is registered to collect sales taxes for the City of Odessa, Missouri. Revocation of such retail sales license or failure of a licensee to pay all state and city sales taxes shall be grounds for revocation of any license issued under the provisions of this chapter. Reinstatement of license after revocation by the State of Missouri shall require an affidavit from the Department of Revenue stating that no tax is due.

3.103 LICENSE TAX NOT IN LIEU OF AD VALOREM TAX

The license tax herein provided for shall not be in lieu of the ad valorem tax as provided for in this ordinance, but such ad valorem tax shall be paid in addition to the license tax.

3.104 TERM OF LICENSE

Merchants' licenses shall run for a period of twelve months, and commence on the first day of July in each year, and whenever any person shall commence the business of merchandising after the first day of July in any year, he shall, on making application for license, pay the rate of license tax and ad valorem tax as other merchants, to be determined from the day on which he commences business to the first day of July next succeeding, but no such license shall be pro-rated for less than three months.

3.105 PAYMENTS FOR AND DELIVERY OF LICENSE

All licenses shall be payable in advance, to the collector, upon exhibition of whose receipt the city clerk shall execute and deliver a license to the person entitled thereto, and the city clerk shall charge the collector with the amount of such license.

3.106 SEPARATE LICENSE PER BUSINESS; ASSIGNMENT PROHIBITED

No license granted by the city shall be assigned or transferred, and no license granted to conduct or transact, or carry on any business shall authorize the licensee to blend with such business any other business or businesses for which a separate license might be required, but in such case a separate and appropriate license shall be taken out. (R.S.Mo. 94.230)

3.107 LICENSES SIGNED BY MAYOR AND COLLECTOR

CHAPTER THREE
LICENSING AND REGULATION OF BUSINESS

All licenses shall run in the name of the city and be signed by the Mayor, and attested by the city clerk, and countersigned by the city collector, and attested by the Seal of the City. (R.S.Mo. 94.230)

3.108 BUSINESSES LICENSED, FEE

The following business classifications shall pay a license fee as hereinafter provided:

1. **Artists**, $25.00 per year.
2. **Auctioneers**, $25.00 per year, or $3.00 per day.
3. **Automobile Accessories dealers or agents**, $52.00 per year.
4. **Automobile dealers, or agents**, $60.00 per year or $3.00 per day.
5. **Automobile repair shops and body shops**, $52.00 per year.
6. **Bakery trucks (retail) based out of Odessa City Limits**, $30.00 per year.
7. **Banks and Savings and Loan Associations**, $75.00 per year.
8. **Bondsmen, professional**, $100.00 per year.
9. **Billiard or Pool Hall**, $45.00 per year.
10. **Bowling alleys, pinball and game rooms**, $25.00 per year. No keeper or manager of any billiard or pool hall, bowling alley, pinball or game room, or like place of amusement, shall suffer or permit the same to be open from 1:30 a.m. until 12:30 p.m. on Sunday.
11. **Bulk oil, propane, gas butane stations, agents, or dealers**, $52.00 per year for station and one truck; $10.00 per year for each additional unit.
12. **Bus sales businesses, agents or dealers**, $100.00 per year.
13. **Cafe, cafeteria, lunchroom or restaurant**, $30.00 per year.
14. **Coal and wood dealers**, $25.00 per year.
15. **Confectioners and bakery shops**, $52.00 per year.
16. **Dance houses and studios**, $52.00 per year.
17. **Drive-in stands, dispensing food and beverages**, $30.00 per year.
18. **Drug stores with pharmacy**, $75.00 per year.
19. **Drug sundries, no pharmacy**, $52.00 per year.
20. **Exterminators and exterminator service (rodent and insect)**, $25.00 per year or $5.00 per day.
21. **Feed stores (retail)**, $52.00 per year.
22. **Fertilizer and lime dealer or agents**, $52.00 per year.
23. **Florists or florist agents, and floral gift shops**, $52.00 per year.
24. **Fortune tellers, clairvoyants, palmists, phrenologists or other similar businesses or avocations**, $10.00 per day.
25. **Foundries**, $25.00 per year.
26. **Gas companies (tank gas)**, $52.00 per year.
27. **Gasoline filling station business (retail)**, $30.00 per year.
28. **General merchandise home improvements such as storm windows, etc.**, $25.00 per year.
29. **Grocery, dry goods, hardware, auto parts, appliance, furniture, implement companies, electrical retail sales, floor covering, upholstery or draperies businesses and stores**, shall each pay $52.00 per year.
30. **Hide and fur dealers**, $25.00 per year.
31. **Horoscopic views and like exhibitions, lung testers, muscle developers, and all kinds of striking machines**, $2.00 per day.
32. **Horse and cattle dealers, or horse and cattle dealer combined**, $25.00 per year. The term "cattle dealer" shall include anyone dealing in hogs and sheep as well as in cattle, whether at a stand or regular place of business, or on the streets or other public places in the City.
33. **Hotels and motels**, containing ten rooms or less for the accommodation of guests, $25.00 per year; more than ten rooms and less than twenty rooms, as aforesaid, $35.00 per year; twenty rooms or more for the accommodation of guests, $50.00 per year.
34. **Ice dealers**, $25.00 per year.
35. **Inspectors**, $25.00 per year.
36. **Insurance agents** of every kind, resident or non-resident, $52.00 per year.
37. **Intelligence and employment offices**, $52.00 per year.
38. **Jewelry stores**, $30.00 per year.
39. **Junk dealer, with permanent place of business**, $25.00 per year. Salvage yards are included herein.

40. **Liquor licenses**.
    a. Package liquor dealer or agent, $75.00 per year. (RSMo 311.200, 311.220)
    b. Malt liquor by the drink (5%), $52.00 per year. (This license includes original package malt liquor and non-intoxicating beer.)
    c. Non-intoxicating beer by the drink (3.2%), $37.50 per year. (RSMo 312.100, 312.140)
    d. Any license issued pursuant to Section 2.101 (e) of the Odessa Code of Ordinances, $300.00 per year. (RSMo 311.293)
41. **Loan, Agents procuring**, $25.00 per year.
42. **Loan and Finance Company**, $75.00 per year.
43. **Lumber yards**, $75.00 per year.
44. **Magazine salesmen, transient merchants, or solicitors not otherwise referred to herein (all non-resident)**, $10.00 per day per solicitor.
45. **Manufacturing companies** with five or more employees, $75.00 per year; with less than five employees, $52.00 per year.
46. **Medicine, extract, or cosmetic distributor or their agents, and agents for home products sales**, $25.00 per year.
47. **Mercantile agents**, $25.00 per year or $3.00 per day. The term "mercantile agent" as herein used shall be deemed to include any person having a place of business in the City where orders for the sale and delivery of merchandise are taken, or any person who shall go from place to place in the City and shall take orders for the sale of goods, wares and merchandise for future delivery, either by himself or some other person.
48. **Milk distributor**, $30.00 per unit per year.
49. **Milling Companies and Elevators**, $75.00 per year.
50. **Mobile home sales**, $100.00 per year.
51. **Mobile refreshment and food vendors**, $25.00 per unit per year.
52. **Monument dealers**, agents or agencies, $52.00 per year.
53. **Moving picture theaters**, $52.00 per year.
54. **Museums**, $25.00 per year.
55. **Newspaper publishers, agents or distributors**, $25.00 per year.
56. **Nursery stock agents**, $25.00 per year.
57. **Photographers**, $25.00 per year or $10.00 per day.
58. **Physical culture or health school**, $50.00 per year.
59. **Piano and/or organ dealers, agents**, $25.00 per year or $5.00 per day.
60. **Plumbing shops**, $52.00 per year.
61. **Popcorn stand**, $10.00 per year or $1.00 per day.
62. **Produce brokers**, $25.00 per year.
63. **Public buildings and halls**, $52.00 per year.
64. **Radio and television sales and parts, dealers or agents**, $52.00 per year.
65. **Ready-mix cement dealer, agent or broker**, $52.00 per year plus $10.00 per year for each additional batch and dump truck.
66. **Real estate business, concern, agent, agency or broker** consisting of not more than the owner and two salesmen, resident or non-resident, $52.00 per year.
67. **Security Officer, private security officer, guard, private officer, security specialist, special event security, watchman, or other similar position** - $52.00 per year. Armed position shall pay an additional $100.00 per year.

    No license shall be issued to an applicant until the applicant shall submit, in writing, to the Board of Aldermen an application setting forth the kind of business the applicant desires to engage in and the location and place of business and such other information as the Board of Aldermen shall reasonably require, on a form to be furnished by the City Clerk.

    No person shall be licensed to act in the capacity of, or provide security services, who:
    (a) Has been convicted of or entered a plea of guilty or nolo contendere to a felony offense, including the receiving of a suspended imposition of sentence following a plea or finding of guilty to a felony offense; or
    (b) Has been convicted of or entered a plea of guilty or nol contendere to a misdemeanor offense involving domestic violence or moral turpitude; or
    (c) Has used, possessed, or trafficked in any illegal substance.

(d) An armed security position shall also require a Concealed Carry Endorsement as required by Chapter 571 RSMo.

STATE AND NATIONAL CRIMINAL BACKGROUND OF PERSONS ENGAGED IN SECURITY

A. This Ordinance is enacted pursuant to RSMO 43.535 to regulate the ownership and employment of those engaged as a Security Office, private security officer, guard, private officer, security specialist, special event security, watchman or other similar position.

B. An applicant, employee, or volunteer seeking to engage as a Security Officer, private security officer, guard, private officer, security specialist, special event security, watchman or other similar position must submit a set of his/her fingerprints taken by the Police Department of the City of Odessa Missouri along with the appropriate fees.

C. Upon receipt of the fingerprints and appropriate fees, the Odessa Police Chief will transmit both sets of fingerprints and appropriate fees to the Missouri Stated Highway Patrol. The Missouri State Highway Patrol will compare the subject's fingerprints against its criminal file, and if necessary, submit the fingerprints to the Federal Bureau of Investigation for a comparison with nationwide records. The results of the Federal Bureau of Investigation check will be returned to the Missouri State Highway Patrol, which will disseminate the state and national results to the Odessa Chief of Police.

D. The Odessa Chief of Police, along with the City Clerk, shall render a fitness determination based on the results of the criminal background check.

E. In rendering a fitness determination, the Chief of Police and the City Clerk will decide whether the record subject has been convicted of or is under pending indictment for a crime which bears upon his/her ability or fitness to serve in that capacity of any felony or misdemeanor which involved force or threat of force, controlled substances, or was a sex-related offense.

F. A record subject may request and receive a copy of his/her criminal history record information from the Chief of Police. Should the record subject seek to amend or correct his/her record, he/she must contact the Missouri State Highway Patrol for a Missouri state record or the Federal Bureau of Investigation for records from other jurisdictions maintained in its file.

68. **Sewing machine dealers or agents**, $52.00 per year.
69. **Shooting galleries**, $25.00 per year; provided that no pistol or gun of more than twenty-two hundredths caliber shall be used in any such gallery.
70. **Shows, concerts, lectures, boxing, sparring and wrestling exhibitions**, when not held in opera houses or other public houses or halls paying a license tax, charging an admission fee, or where goods of any kind are sold or offered for sale, $6.00 per day; and when an extra charge is made for reserved seats, $7.00 per day; provided, however, that all concerts, tableaus or other exhibitions for charitable, religious or educational purposes, or composed exclusively of home talent, shall be exempt from paying any license tax whatever.
71. **Skating rinks**, $45.00 per year, and no license shall be issued for less than one year.
72. **Stands of all kinds, not herein otherwise named and licensed and not operated by charitable, religious or educational organizations**, $5.00 per day.
73. **Steel fabrication shops**, $52.00 per year.
74. **Stock yards and sale barns**, $75.00 per year.
75. **Tavern license**, $52.50 per year. License for selling beer by dispenser, $52.50 per year.
76. **Taxicab business**, with two cars or less, $25.00 per year; for each additional unit, $15.00 per year.
77. **Transfer business or delivery agency**, $30.00 per year per unit.
78. **Traveling and auction shows**, $25.00 per year or $5.00 per day.
79. **Welding shops or sheet metal shops** (mobile or stationary), $25.00 per year or $5.00 per day.
80. **All other merchants**, not herein above mentioned or listed, shall pay a license fee of $25.00 per year.
81. **Every dealer or wholesaler engaged in the business of selling cigarettes** or offering or displaying the same for sale within the City shall pay an occupation tax at the rate of $.05 (five cents) per package of twenty cigarettes sold or offered or displayed for sale, less a discount of four percent (4%)

allowed for the collection of such tax. Said tax shall be reported and paid not later than the 15th of each month for the preceding month. Each dealer or wholesaler shall authorize the City to verify such reports with information provided to the Missouri Department of Revenue.

82. **Land Developers & Heavy Construction Contractors** who's services include the development and/or construction of Subdivisions, Public Electrical Systems, Storm & Sanitary Sewer Mains, Water Mains, Streets, Curbs, Gutters, Bridges, Dams, Reservoirs and appurtenances, plus various other public and private utilities and demolition thereof, commonly referred to as Public Works improvements, $52.00 per year.
83. **General Building Contractors** of Detached Accessory Structures, Single & Multifamily Dwellings, Commercial, Industrial, Public Buildings & Structures, Spires, Towers, and Accessory onsite improvements; their additions, alterations, rehabilitation, remodeling and demolition thereof, $52.00 per year.
84. **Specialty Contractors & Craftsmen** performing installation, additions, alterations, rehabilitation, remodeling and demolition of systems or components for Electrical Installations, H.V.A.C. (heating, ventilation, & air conditioning) systems, Plumbing, Sewers, Boiler Systems, Signs & Bill Boards and Elevators, $52.00 per year.

3.109 CITY CLERK TO CHARGE COLLECTOR

The City Clerk shall deliver to the Collector all the merchants' licenses issued, and charge him therewith in a book kept for that purpose. (R.S.Mo. 94.290)

3.110 BUSINESS LICENSE LIST

The Collector shall on the first Monday of September of each year, return to the City Clerk a list of all licenses granted by him and not before accounted for, showing the name of the person to whom granted, the amount of tax collected on each, and the commencement and termination of each license granted, which list shall be filed by the City Clerk.

3.111 COLLECTOR TO SETTLE ACCOUNTS

The Collector shall settle and adjust all his accounts with the City Clerk on the first Monday in September of each year for all licenses delivered to him under the provisions of this ordinance.

3.112 PENALTY PROVISION

Whoever shall exercise any of the avocations, or carry on or engage in any business for which a license is required under the provisions of this Subchapter, without first obtaining a license therefor, or whoever shall in any manner violate any of the provisions of this Subchapter, shall, upon conviction thereof, be punished by a fine of not less than one dollar, nor more than one hundred dollars and costs.

3.113 BUSINESS TO PROVIDE STATEMENT OF GOODS

Prior to the first Monday of June in each year it shall be the duty of each person, firm or corporation, as provided by this Subchapter, to furnish to the City Assessor a statement of the greatest amount of goods, wares and merchandise which he or they may have had on hand on the first day of January next preceding; said statement shall include all goods, wares and merchandise owned by such merchant and consigned to him or them for sale by other parties. It shall be the duty of the City Assessor to enter such statement in a book to be prepared for that purpose at the expense of the City, suitable ruled with columns for the name of the merchant, the amount of his or their statement, as returned to the Assessor, the valuation of such statement as equalized by the County Board of Equalization for State, County and School taxes, and such other columns as may be found useful, or convenient, in practice; such book shall be verified by the affidavit of the City Assessor annexed thereto in the following words, to wit:

Being duly sworn, makes oath and says that he made diligent efforts to secure statements from all persons, firms or corporations doing business as merchants in the City of Odessa; that so far as he has been able to secure such statements they are correctly set forth in the foregoing book. (R.S.Mo. 150.050)

3.114 AD VALOREM TAX ON BUSINESSES

Said book shall be returned by the Assessor to the County Board of Equalization on the first Monday in September of each year. After the County Board of Equalization shall have completed the equalization of such statements, the City Clerk shall extend on such book all the proper taxes at the same rate as assessed for the time on real estate, and he shall on or before the first day of October thereafter, make out and deliver to the Collector a copy of such book, properly certified, and take the receipt of the Collector therefor, which receipt shall specify the aggregate amount of each kind of taxes due thereon; and the Clerk shall charge the Collector with the amount of such taxes. (R.S.Mo. 150.070

3.115 AMOUNT OF AD VALOREM TAX

Merchants shall pay an ad valorem tax equal to that which is levied on real estate, on the highest amount of all goods, wares and merchandise, which they may have in their possession, or under their control, whether owned by them or consigned to them for sale, at any time between the first Monday of March and the first Monday of June of each year, except merchants dealing in "fire sales", damaged goods sales, or "bankrupt sales" bringing their goods into the City for disposition, who shall pay the ad valorem tax as provided in this section, on the amount of goods in their possession, or under their control on the day of opening their business place for business; provided that no commission merchant shall be required to pay any tax on any manufactured article, the growth or product of this or any other State, which may have been consigned for sale, and in which he has no ownership or interest other than his commission. (R.S.Mo. 150.040)

3.116 FILING OF FALSE STATEMENT

Every person, firm or corporation, who shall file or suffer to be filed, a false statement with the Assessor as herein provided, shall, upon conviction thereof, be punished by a fine of not less than one dollar nor more than one hundred dollars and costs. (R.S.Mo. 150.250)

3.117 NOTICE OF DELINQUENCY; ENFORCEMENT BY CITY

A notice of delinquency shall be sent to any merchant who has not paid the merchants' license tax within fifteen days of the date it is due. All existing merchants' license taxes are due on July 1, and if unpaid, a notice of delinquency shall be sent to said merchant on July 15. Any merchant commencing business after the first day of July in any year shall pay the estimated tax on the day said license is issued. If not paid on that date, a notice of delinquency shall be sent on the fifteenth day thereafter.

1. If a merchants' license tax has been due and unpaid for a period of one month, the City of Odessa may, at the discretion of the Board of Aldermen, pursue either of the following:

(a.) A suit may be brought in the Circuit Court of Lafayette County, Missouri, for the collection of the tax in the same manner as is provided for the collection of personal delinquent taxes, and the statement required to be filed shall be evidence of the amount of taxes due from the person, firm or corporation filing the same, but the Collector, or any other person prosecuting the suit, may show by competent testimony that such statement does not contain a full amount of all the goods, wares, and merchandise, taxable by this Subchapter, or

(b). The Board of Aldermen may direct the Collector to issue a complaint in the Municipal Court of Odessa for violations under Chapter 2 of the Ordinances of Odessa as provided in sections 3.112 and 3.116. Payment of a fine in the Municipal Court of the City of Odessa does not relieve any merchant from paying any amount due for a merchant's license and the City may, at its discretion, cause the Collector to file subsequent complaints against the same merchant as long as the taxes are unpaid.

Subchapter B: Regulation of Ambulances

3.200 DEFINITIONS

1. ***Ambulance Service***: The term "Ambulance Service" shall mean any service established to transport patients (see "patient" below).

2. ***Ambulance***: The term "Ambulance" shall mean any motor vehicle constructed, reconstructed, arranged, equipped, used or meant for use of transporting ill, injured or otherwise incapacitated persons from one place to another.

3. ***Attendant*:** The term "Attendant" shall mean any individual who is responsible for the care of a patient within an ambulance vehicle.

4. ***Driver:*** The term "Driver" shall mean any individual who operates or attempts to operate an ambulance vehicle on the streets, alleys or other public thoroughfare within the limits of the City of Odessa, Missouri.

5. ***City***: The term "City" Shall mean Odessa, Missouri.

6. ***Assistant Director*:** The term "Assistant Director" shall mean the Assistant Director of Public Health and Safety - Ambulance of Odessa, Missouri.

7. ***Patient*:** The term "Patient" shall mean any person who is ill, injured or otherwise incapacitated or helpless and who requires and/or requests ambulance services.

8. ***Person:*** The term "Person" shall mean any individual, firm, partnership, association, corporation company or group of individuals acting together for a common purpose of organization.

9. ***Police:*** The term "Police" shall mean duly authorized full time members of the Police Department of the City of Odessa, Missouri.

3.201 LICENSE REQUIRED

No person either as owner, agent, or otherwise, shall furnish, operate, maintain, advertise or otherwise be engaged in or profess to be engaged in the business of an ambulance service, within the City unless he holds a currently valid license for an Ambulance Service issued pursuant to this subchapter. Services consistent with written community mutual aid agreements are exempted.

3.202 EXCEPTIONS

Licenses shall not be required for ambulance services which are:

1. Owned and operated by an agency of the United States Government or by the City of Odessa, Missouri.

2. Rendering requested assistance to ambulances currently licensed in cases of disaster or major emergency too great for local resources; or in response to the provisions of written community mutual aid agreements.

3. Operated from a location or headquarters outside the City and transporting patients who are picked up outside the limits of the City to locations within the City, or through the City to other locations.

3.203 APPLICATION FOR LICENSE

Applications for a license hereunder shall be made on such forms as may be described, prepared or prescribed by the Assistant Director and shall contain the following information:

1. Name and address of the applicant and the trade name under which he (it) conducts business; if a corporation its name, date and place of incorporation, address of its principal place of business and the names of its principal officers

and their addresses; and if a partnership, association, or un-incorporated company, the names of the partners or other persons comprising the association or company and the business and residence address of each partner or person.

2. The number of vehicles to be operated or controlled by the applicant and a description of each vehicle and an itemization of all equipment in each such vehicle.

3. Name and address of each employee and statement of qualifications of each such employee as an ambulance driver or attendant.

3.204 LICENSEE REQUIREMENTS

There shall at all times be at least one duly qualified person attending patients being serviced by said ambulances, said attendant to be instructed in first aid procedures and having received a valid certificate of passage of an advanced First Aid course from the American Red Cross, or its equivalent.

3.205 LICENSE FEE - DURATION - RENEWAL

No license shall be issued, renewed, or continued in operation unless the applicant or the holder thereof has paid a license fee of $25.00. Any license issued under this article shall be for a period of one year from the date of issuance or renewal. Said license fee shall be in addition to any other license fee or charge established by any business and occupational license ordinances of the City applicable to said holder or the vehicle or vehicles under his operation or control.

3.206 DUTY OF ASSISTANT DIRECTOR

Under the provisions of this article, the Assistant Director is hereby empowered and ordered to:

1. Accept applications for all types of licenses issued pursuant to this Subchapter, and to cause such investigation as he deems necessary to be made of the applicant and/or of his proposed operation.

2. Issue the appropriate license hereunder, each to be valid for a period of one (1) year unless earlier suspended, revoked or terminated when he finds:

a. That the public convenience and necessity require the proposed Ambulance Service.

b. That each ambulance, and its required equipment designated in the application have been certified as provided for herein.

c. That the applicant is a responsible and proper person to conduct or work in such a service.

d. That only duly qualified drivers and attendants are employed in such capacities.

e. That all the requirements of this Subchapter and the City Ordinances of Odessa and all other applicable laws have been met.

3. Examine or cause to be examined, all ambulance personnel applicants.

4. Re-inspect, re-examine, or cause re-inspection or re-examination within 30 days prior to renewal of licenses, for any and all of the requirements relative to the license to be renewed.

5. Revoke or cause the revocation of any license issued pursuant to this Subchapter when there is due cause for such revocation. License holders wishing to appeal shall be granted an administrative hearing by the Assistant Director of the City within 30 days of request of such proceedings.

3.207 FALSE INFORMATION CONTAINED IN THE APPLICATION

False information contained in an application for a license hereunder shall be considered sufficient grounds for denial of said license.

3.208 LIABILITY INSURANCE

No ambulance service license shall be issued under this Subchapter, nor shall such license be valid, nor shall any ambulance be operated in the City unless there is at all times in force and effect insurance coverage, in an amount to be determined by the Assistant Director issued by an insurance company licensed to do business in the State of Missouri, for each and every ambulance owned and/or operated by or for the applicant or licensee, providing for the payment of damages:

1. For injury to or death of individuals in accidents resulting from any cause for which the owner of said vehicle would be liable on account of liability imposed in him by law, regardless of whether the ambulance was being driven by the owner or his agent; and

2. For the loss of or damage to the property of another under like circumstances.

Said insurance policies shall be submitted to the Assistant Director for approval prior to the issuance of such ambulance license. Satisfactory evidence that such insurance is at all times in force and effect shall be furnished to the Assistant Director, in such form as he may specify, by all licensees required to provide such insurance under the provisions of this Subchapter.

Every insurance policy required hereunder shall contain a provision for a continuing liability there under to the full amount thereof, notwithstanding any recovery thereon, that the liability of the insurer shall not be affected by the insolvency of the bankruptcy of the assured, and that until the policy is revoked or expires, the insurance company will not be relieved from liability on account of non-payment of premium, failure to renew license at the end of the year, or any act or omission of the named assured. Such policy of insurance shall be further conditioned for the payment of any judgments up to the limits of said policy recovered against any person other than the owner, his agent or employee, who may operate the same with the consent or acquiescence of the owner.

Every insurance policy required hereunder shall extend for the period to be covered by the license applied for and the insurer shall be obligated to give not less than 30 days written notice to the Assistant Director and to the assured before any cancellation or termination thereof earlier than its expiration date and the cancellation or other termination of any such policy shall automatically revoke and terminate the licenses issued for the ambulances covered by such policy, unless another insurance policy complying with the provisions of this section shall be provided and be in effect at the time of such cancellation or termination.

3.209 VEHICLES MUST BE KEPT IN A CLEAN AND SANITARY CONDITION

Every vehicle operated under this article shall be kept clean and sanitary according to rules and regulations which may from time to time be promulgated by the Assistant Director.

3.210 RATES AND CHARGES

The charges for ambulance service in Odessa shall be $800.00 plus $10.00 per mile for residents of the City of Odessa, $900.00 plus $10.00 per mile for non-residents of the City of Odessa. For ambulance service which does not result in transportation of the patient, a minimum charge of $200.00 for residents of the City of Odessa, $250.00 for non-residents of the City of Odessa shall be assessed. A charge of $30.00 per 30-minute interval shall be assessed for ambulance stand-by services at events. Said rates shall be effective for service beginning October 1, 2010. *[Ord. 2801 09-27-2010]*

3.211 REVOCATION OF LICENSE

1. The Assistant Director may, and is hereby authorized to, suspend or revoke a license issued hereunder for failure of a licensee to comply and to maintain compliance with, or for his violation of any applicable provisions, standards or requirements of this Subchapter or of regulations promulgated hereunder, or of any other applicable laws, ordinances, or regulations. Before issuing a suspension or revocation notice, the Assistant Director shall first give the licensee a written notice to comply within ten days. Should licensee fail to comply to the satisfaction of the Assistant Director within the ten day period, he may issue a suspension or revocation notice to the licensee. Within thirty days after a suspension, the licensee shall be afforded a hearing, after reasonable notice. The Assistant Director shall, within ten

days after conclusion of such hearing, issue a written decision (which shall include written findings of fact) as to the suspension of said license. Such written decision shall be promptly transmitted to the licensee to whom it refers.

2. The initial, semi-annual or other inspection reports of the Assistant Director herein provided for, shall be prima facie evidence of compliance or non-compliance with, or violation of, the provisions, standards and requirements provided herein, and of the regulations promulgated hereunder, for the licensing of ambulances.

3. Upon suspension, revocation or termination of license hereunder such licensee shall cease operations.

4. Revoked licenses shall be surrendered immediately to the Assistant Director.

3.212 VEHICLE EQUIPMENT REQUIREMENTS

No vehicle may be used as an ambulance unless it has in good working order the following equipment:

1. Electrically powered siren or sirens, mounted in compliance with State Motor Vehicle Regulations. May be standard or coaster sirens or electric sirens at the option of the owner. Audible signals should be of sufficient pitch to be noticeable at least 500 feet from the ambulance vehicle.

2. A minimum of two flashing red lights aimed forward, at a level from the ground which permits easy visibility through the rear window of vehicles traveling the same direction.

3. The name of the owner or company shall be designated on the vehicle either on the sides or in the front and rear, in such a manner as will make it easy to identify the ownership of the vehicle.

4. Proper designation - "Ambulance", "Rescue", "Mobile Emergency Unit" - shall appear on the vehicle, facing front and rear in sufficient size lettering to make identification of the vehicle easily recognizable.

5. Access shall be provided to the driver's compartment from either side of the vehicle and to the patients' compartment from the rear and the curb side front of the vehicle.

6. Illumination shall be adequate throughout the patients' compartment that provides a minimum intensity of 40 foot candle power for the observation of vital signs at the level of the patients. Windows, if provided, should insure privacy and safety.

7. Interior surfaces of the patients' compartment shall be insulated, resistant to water, heat and chemicals and easily cleaned.

8. Equipment, installed and portable, and all supplies shall be positioned for ready accessibility and not impinge on litters or access areas. Storage cabinets and installed equipment shall be designed or positioned for protection from projecting injurious objects, including recessed ceiling hooks for suspension of intravenous fluid containers.

9. Four (4) oropharyngeal airways for adults, children and infants (2 each side). Four (4) mouth-to-mouth breathing tubes ("S" Tubes). Four (4) mouth gags or tongue blades taped together.

10. One (1) permanently installed suction device capable of a vacuum of at least 300 mm Hg, when the tube to the suction tip is clamped. Suction force should be controllable. One (1) portable suction device adequate for pharyngeal suction.

11. One manually operated, self-refilling, portable bag-mask-valve unit which operates on air or oxygen enrichment.

12. Two (2) portable oxygen supplies - large enough to provide an oxygen flow of ten (10) liters per minute for at least thirty (30) minutes. One (1) installed oxygen supply of at least 5,000 liters, with sufficient yokes, reducing valves, flow meters, regulators, tubes, and masks for four (4) patients. A humidifier with sterile water and unbreakable bottle shall also be available.

13. One (1) backboard shall be readily available and when placed under the patient on a litter, shall provide the

necessary resistance for external cardiac compression. Cardiac compression machines may be carried to provide compression.

14. Two (2) short and two (2) long spine boards with appropriate straps, one (1) scoop stretcher may be substituted for one (1) long spine board. Two (2) lower extremity traction splints with padded ankle hitch or skin traction device. Twelve (12) triangular bandages for fractures of shoulder and upper arm. Four (4) each length of 15, 36 and 54 inches of splints made of wood, plastic, canvas, wire or other appropriate materials for immobilization of fractures.

15. Twenty-four (24) each six 4 X 4 and 4 X 8 sterile gauze pads for covering wounds. Six (6) each size of 3, 4 and 5 inch width soft roller or elastic bandages. Six (6) sterile non-porous dressings for occlusion of sucking chest wounds. Four (4) universal dressings, approximately ten (10) by thirty-six (36) inches, folded to 10 by 9 for covering large wounds, including burns. Four (4) sterile sheets (for burns). Four (4) rolls each of adhesive tape - 1, 2 and 3 inch width. Ten (10) safety pins, large. Two (2) bandage shears.

16. Activated charcoal and syrup of ipecac shall be provided, as well as potable water and equipment for oral administration and for irrigation of the conjunctive and skin, or one (1) poison kit.

17. One (1) fire extinguisher. Two (2) pillows. Four (4) sheets. Two (2) pillow cases. Four (4) towels. Two (2) boxes tissues. Four (4) emesis basins. One (1) bed pan. One (1) urinal. Four (4) thermometers. One (1) aneroid blood pressure manometer. One (1) stethoscope. Three (3) sandbags. Restraints for violent patients. Container for used paper and linen items. Two (2) disposable OB kits.

3.213 RECORDS

Each licensee of an ambulance hereunder shall maintain accurate records concerning the transportation of each patient within the City as follows:

1. Daily log of each and every ambulance run accepted, with consecutive entries of calendar date, time of day, patient identification, patient destinations, general classification of emergency, condition of patient on arrival at destination, and such other data as the Assistant Director may prescribe by regulation.
2. Trip ticket for each ambulance run containing the information required in subsection (1) above and such other entries as the Ambulance Service may desire or the Assistant Director may require by regulation. The Assistant Director may establish a standard trip ticket form and require timely submission to this office of duplicate copies by each licensee.
3. Records will be retained by the legally responsible owner or operator for three (3) years, readily available for inspection as may be ordered by the Assistant Director, notwithstanding transfer, sale or discontinuance of the ambulance service or business.

3.214 OBEDIENCE TO TRAFFIC LAWS, ORDINANCES AND REGULATIONS

1. The driver of an ambulance, when responding to an emergency call or while transporting a patient, may exercise the privileges set forth in this section but subject to the conditions herein stated, and only when the licensed attendant has reasonable grounds to believe that an emergency in fact exists requiring the exercise of such privileges.

2. Subject to the provisions of Subsection (1) hereof, the driver of an ambulance may:

a. Park or stand, irrespective of the otherwise applicable provisions of law, ordinances or regulations;
b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
c. Exceed the maximum speed limits permitted by law, ordinance or regulation so long as he does not endanger life or property; or
d. Disregard laws, ordinances or regulations governing direction or movement or turning in specified directions.
e. The exemptions herein granted shall apply only when such ambulance is making use of audible and visual signals meeting the requirements of law, ordinance and regulations.
f. The foregoing provisions shall not relieve the driver of an ambulance from the duty to drive with regard for safety of all persons, nor shall such provisions protect the driver from the consequences of his disregard for the safety

of others.

3.215 COMPLIANCE WITH PROVISIONS OF FEDERAL HIGHWAY SAFETY ACT OF 1973
Each licensee of an ambulance hereunder shall comply with the provisions of the Federal Highway Safety Act of 1973 as they pertain to the operations of ambulances.

3.216 PENALTIES FOR VIOLATION

Every person who is convicted for violation of any of the provisions of this article shall be punished by a fine not exceeding $500 or imprisoned for a period not exceeding ninety (90) days or by both such fine and imprisonment.

Subchapter C: Regulation of Adult Businesses

3.300 DEFINITIONS

For the purposes of this Chapter and unless the context plainly requires otherwise, the following definitions are adopted:

1. "Adult Business" means any business enterprise:
   A. that has a regular and substantial business purpose the sale, display or rental of goods that are designed for use in connection with "specified sexual activities," or that emphasize matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas;" or
   B. that has one of the following as a regular and substantial business purposes:
      1) the providing of entertainment where the emphasis is on performances, live or otherwise, that depict, portray, exhibit or display "specified anatomical areas" or "specified sexual activities," or
      2) the providing of services that provide "specified sexual activities" or "specified anatomical areas" ancillary to other pursuits, or allow participation in "specified sexual activities" ancillary to other pursuits.
   C. The definition of "adult business" also includes, but is not limited to, any and all of the following, as defined herein:
      1) Businesses that offer the following described goods for sale or rent:
         a. "Adult retail establishments" means an establishment which as a regular and substantial business purpose, offers for sale or rent, any one or more of the following: instruments, devices, gifts, or paraphernalia which are designed for use in connection with "specified sexual activities" or clothing that graphically depicts "specified anatomical areas" or any of the materials sold or rented in an adult bookstore as defined herein.
         b. "Adult bookstore" means an establishment which, as a regular and substantial business purpose, offers for sale or rent, books, magazines, periodicals or other printed matter, photographs, slides, films or videotapes, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
         c. "Adult media outlet" means an establishment that has as a regular and substantial business purpose the rental, sale or offering for viewing of the premises or other use of any adult media.
         d. "Adult news rack" means any coin or card operated device that offers for sale by dispensing printed material, which is distinguished or characterized by its emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
         e. "Adult newsstand" means a freestanding structure, vehicle or booth which as a regular and substantial business purpose, offers for sale, books, magazines, periodicals or other printed matter, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
      2) Businesses that provide the following entertainment:
         a. "Adult entertainment business" means any enterprise to which the public, patrons or members are invited or admitted, and where providing "adult entertainment" as defined herein, is a regular and substantial portion of its business.
         b. "Adult motion picture theater" means an establishment containing a room with seats facing a screen or projection areas, where a regular and substantial portion of its business is the exhibition to customers of films, videotapes, or motion pictures which are intended to provide sexual stimulation or sexual gratification to the customers and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
         c. "Adult theater" means an establishment located in an enclosed building where a regular and substantial portion of its business is providing the live performance of activities relating to "specified sexual activities" or exhibition of "specified anatomical areas" or live performers, for observation by customers and patrons.
         d. "Adult entertainment cabaret" means an establishment where a regular and substantial portion of its business is providing adult entertainment which features strippers, male or female impersonators, go-go dancers, or live performances; or material which is primarily characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
         e. "Adult entertainment studio" (includes the terms rap studio, exotic dance studio, sensitivity studio or

encounter studio) means an establishment whose premises is physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises, and where a regular and substantial portion of its business is providing entertainment which features materials or live performances characterized by an emphasis on or features materials relating to "specified sexual activities" or the exhibition of "specified anatomical areas."

f. "Adult encounter parlor" means an establishment where a regular and substantial portion of its business is the provision of premises where customers congregate, associate, or consort with employees and/or performers or private contractors who display "specified anatomical areas" in the presence of such customers, with the intent of providing sexual gratification or stimulation to such customers.

g. "Body Painting Studio" means an establishment where a regular and substantial portion of its business is the maintaining, operating, or offering for compensation the applying of paint or other substance to or on the human body by any means of application, technique or process when the subject's body is displaying for the customers view "specified anatomical areas."

3) Businesses that provide the following described services:

a. "Bath House" means an enterprise where a regular and substantial portion of its business is offering baths with other persons present who are nude or displaying "specified anatomical areas."

b. "Adult Motel" means an enterprise where a regular and substantial portion of its business is offering public accommodations for consideration for the purpose of viewing closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" and rents room accommodations for less than six hours at a time.

2. "Adult entertainment" means any live exhibition, performance, display or dance of any type, including but not limited to, talking, singing, reading, listening, posing, serving food or beverages, soliciting for the sale of food, beverages or entertainment, pantomiming, modeling, removal of clothing, or any service offered for amusement on a premises where such exhibition, performance, display or dance is intended to seek to arouse or excite the sexual desires of the entertainer, other entertainers or patrons, or if the entertainment involves a person who is nude or in such attire, costume or clothing as to expose to view any portion of the human genitals, pubic region, vulva, pubic hair, buttocks, female breast or breasts below a point immediately above the top of the areola or nipple or the human male genitals in a discernibly erect state, even if completely and opaquely covered.
3. "Contagious and communicable diseases" means those diseases, which are set out in the Code of State Regulations established by the State of Missouri.
4. "Employee" means any and all persons, including managers, entertainers and independent contractors, who work in or at or render any services directly to, the operation of an adult business.
5. "Entertainer" means any person who provides adult entertainment within an adult entertainment business as defined in this section, whether or not a fee is charged or accepted for entertainment.
6. "Manager" means any person who manages, directs, administers, or is in charge of the affairs and/or conduct of any portion of any activity at an adult business.
7. "Operator" means any person operating, conducting or maintaining an adult business.
8. "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.
9. "Public place" means any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and automobiles whether moving or not.
10. "Server" means any person who serves food or drink at an adult business.
11. "Specified anatomical areas" mean
    A. uncovered or exposed human genitals, pubic region or pubic hair; or buttock; or female breast or breasts below a point immediately above the top of the areola encircling the nipple, or any combination of the foregoing; or
    B. human male genitals in a discernibly erect state, even if completely and opaquely covered.
12. "Specified sexual activities" mean sexual conduct, being actual or simulated, acts of human masturbation; sexual intercourse; or physical contact, in an act of apparent sexual stimulation or gratification, with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.
13. "Substantial business purpose" means:
    A. thirty-three percent (33%) or more of the gross floor space, is devoted to that purpose; or
    B. thirty-three percent (33%) or more of the retail floor space is devoted to that purpose; or

C. thirty-three percent (33%) or more of the gross sales of the business are derived from that purpose.

3.301 LICENSE REQUIRED FOR ADULT BUSINESS

1. It shall be unlawful for any person to operate or maintain an adult business in the City unless the owner, operator or lessee thereof has obtained an adult business license from the City, or to operate such business after such license has been revoked or suspended by the City.
2. It is unlawful for any entertainer, server, employee, manager, operator or owner to knowingly perform any work, service or entertainment directly related to the operation of an unlicensed adult business.
3. It shall be prima facia evidence that any adult business that fails to have posted an adult business license, in the manner required by this section, has not obtained such a license. In addition, it shall be prima facia evidence that any entertainer, server, employee, manager, operator or owner who performs any business, service or entertainment in an adult business, in which an adult business license is not posted, in the manner required by this section, had knowledge that such business was not licensed.
4. Any business enterprise that sells or rents goods that are designed for use in connection with "specified sexual activities," or that emphasize matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" and that excludes minors by virtue of age from all or any part of the business premises shall be deemed to have consented to periodic entry into and inspection of the business premises by appropriate city officials and inspection by those officials of only those business records necessary for the limited purpose of determining whether such business enterprise is an "Adult Business" as defined in this Chapter. This entry and inspection shall take place during hours when such adult business is open to the public, unless otherwise requested by the adult business, and shall not unreasonably interfere with the conduct of such business.

3.302 LICENSE REQUIRED FOR MANAGERS, SERVERS & ENTERTAINERS.

It is unlawful for any person to work as an entertainer, server or manager at an adult business without first obtaining a license to do so from the City, or to work as an entertainer, server or manager at an adult business after such person's license to do so has been revoked or suspended.

3.303 LICENSE, CLASSIFICATION AND FEES

1. The license year for all fees required under this chapter shall be from each July 1 through June 30, and shall not be prorated. The application for a license shall be accompanied by payment in full of the fee stated in this section by certified or cashier's check or money order; and no application shall be considered complete until such fee is paid.
2. All licenses shall be issued for a specific location and shall be non-refundable and non-transferable.
3. The classification of licenses and fees for each shall be as follows:
   A. Adult business license fee is $300.00 per year.
   B. Manager's license fee is $50.00 per year.
   C. Entertainer's license fee is $50.00 per year.
   D. Server's license fee is $50.00 per year.

3.304 LICENSE LIMITED TO ONE IDENTIFIABLE TYPE OF ADULT USE

All adult business licenses shall be issued only for the one adult business use listed on the application. Any change in the type of adult use shall invalidate the adult business license.

3.305 LICENSE APPLICATION

1. Adult Business License. All persons desiring to secure a license to operate an adult business under the provision of this chapter shall make a notarized application with the City Clerk. All applications shall be submitted in the name of the person proposing to conduct or operate the adult business. All applications shall be submitted on a form supplied by the City Clerk and shall require the following information:
   A. The name, residence address, home telephone number, occupation, date and place of birth, and social security number of the applicant.
   B. The name of the adult business, a description of the type of business to be performed on the licensed premises, and the name of the owner of the premises where the adult business will be located.

C. The names, residence addresses, social security numbers and dates of births of all partners, if the applicant is a partnership; and if the applicant is a corporation, the same information for all corporate officers and directors and stockholders who own 10% or greater interest in the corporation.
D. The residence addresses of the applicant, or of all partners, or of all corporate officers and directors for the five years immediately prior to the date of application.
E. A description of the adult business history of the applicant, or of the partnership and all partners, or of the corporation and all corporate officers and directors.
F. A statement from the applicant, or from all partners, or from all such corporate officers and directors, whether any such person or entity, in previously operating in this or another city, county, or state, has had a business license of any type revoked or suspended, and if so, the reason therefor, and the activity or occupation subjected to such action, suspension or revocation.
G. A statement of the business, occupation or employment of the applicant, or of all partners, or of all corporate officers and directors for the three years immediately preceding the date of the application.
H. A statement from the applicant or from each partner, or from each corporate officer and director, that each such person has not been convicted of, released from confinement for conviction or, or diverted from prosecution on:
   1) Any felony within five years immediately preceding the application, or
   2) A misdemeanor criminal act within two years immediately preceding the application, where such felony or misdemeanor involved sexual offenses, prostitution, promotion of prostitution, indecent exposure, sexual abuse of a child or pornography and related offenses as defined in the Missouri Criminal Code, or involved controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Controlled Substances Act or other statutes of the State of Missouri or ordinances of the City.
I. The statement shall also indicate that the applicant, each partner or each corporate officer and director has not been convicted of a municipal ordinance violation or diverted from prosecution on a municipal ordinance violation, within two years immediately preceding the application where such municipal ordinance violation involved sexual offenses, indecent exposure, prostitution or sale of controlled substances or illegal drugs or narcotics.
J. On applications requesting a license to operate a bath house or body painting studio, the applicant shall provide for each person working on the premises a health certificate from a duly licensed Missouri physician stating that within ninety days prior thereto, the applicant and all other persons working on the premises have been examined and found free of any contagious or communicable disease as defined herein.
K. A full set of fingerprints and a photograph, to be taken by the police department, of the applicant, or of all partners if the applicant is a partnership, or of all such corporate officers and directors if the applicant is a corporation.
L. If the applicant is a corporation, a current certificate of registration issued by the Missouri Secretary of State.
M. A statement signed under oath that the applicant has personal knowledge of the information contained in the application and that the information contained therein is true and correct and that the applicant has read the provisions of this chapter regulating adult businesses.

Failure to provide the information and documentation required by this subsection shall constitute an incomplete application which shall not be processed.

2. Manager, Server or Entertainer License. All persons desiring to secure a license under the provisions of this chapter to be a manager, server or entertainer shall make a notarized application with the City Clerk. All applications shall be submitted in the name of the person proposing to be a manager, server or entertainer. All applications shall be submitted on a form supplied by the City Clerk and shall require the following information:
   A. The applicant's name, home address, home telephone number, date and place of birth, social security number, and any stage names or nicknames used in entertaining or at the business.
   B. The name and address of each adult business where the applicant intends to work as a manager, server or entertainer and an "intent to hire" statement from an adult business that is licensed, or that has applied for a license, under the provisions of this chapter, indicating the adult business intends to hire the applicant to manage, serve or entertain on the premises. Failure to provide an "intent to hire" statement shall not invalidate the application.
   C. A statement from the applicant, that the applicant has not been convicted of, released from confinement for conviction of, or diverted from prosecution on:
      1) A felony within five years immediately preceding the application, or
      2) A misdemeanor within two years immediately preceding the application, where such felony or

misdemeanor involved sexual offenses, prostitution, promotion of prostitution, indecent exposure, sexual abuse of a child or pornography and related offenses as defined in the Missouri Criminal Code, or involved controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Controlled Substances Act or other statutes of the State of Missouri or ordinances of the City.

The statement shall also indicate that the applicant has not been convicted of a municipal ordinance violation or diverted from prosecution on a municipal ordinance violation, within two years immediately preceding the application where such municipal ordinance violation involved sexual offenses, indecent exposure, prostitution or sale of controlled substances or illegal drugs or narcotics.

D. A full set of fingerprints and a photograph of the applicant to be taken by the police department.

E. The applicant shall present to the City Clerk who shall copy documentation that the applicant has attained the age of 18 years at the time the application is submitted. Any of the following shall be accepted as documentation of age:
   1) A valid motor vehicle operator's license issued by any state, bearing this applicant's photograph and date of birth;
   2) A state-issued identification card bearing the applicant's photograph and date of birth;
   3) An official and valid passport issued by the United States of America;
   4) An immigration card issued by the United States of America;
   5) Any other form of picture identification issued by a governmental entity that is deemed reliable by the City Clerk; or
   6) Any other form of identification deemed reliable by the City Clerk.

Failure to provide the information required by this subsection shall constitute an incomplete application and shall not be processed.

3. Facilities Necessary. No adult business license to conduct a bath house or body painting studio shall be issued unless an inspection by the Director, Lafayette County Health Department, or his/her authorized representative reveals that the premises the applicant intends to conduct business from complies with each of the following minimum requirements.
   A. The walls shall be clean and painted with washable, mold-resistant paint in all rooms where water or steam baths are given. Floors shall be free from any accumulation of dust, dirt, or refuse. All equipment used in the business's operation shall be maintained in a clean and sanitary condition. Towels, linen and items for personal use of operators and patrons shall be clean and freshly laundered. Towels, cloths, and sheets shall not be used for more than one patron. Heavy, white paper may be substituted for sheets provided that such paper is changed for every patron. No service or practice shall be carried on within any cubicle, room, booth, or any area within any permitted establishment which is fitted with a door capable of being locked.
   B. Toilet facilities shall be provided in convenient locations. When five or more employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided. A single water closet per sex shall be provided for each 20 or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex accommodated therein.
   C. Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.

The Director, Lafayette County Health Department, or his/her representative, shall certify that the proposed business establishment complies with all of the requirements of this section and shall give or send such certification to the City Clerk. Provided, however, that nothing contained herein shall be construed to eliminate other requirements of statute or ordinance concerning the maintenance of premises, nor to preclude authorized inspection thereof. The appropriate City official may recommend the issuance of a license contingent upon the compliance with any requirements in this section.

4. Application Processing. Upon receipt of a complete application for an adult business, manager, server or entertainer license, the City Clerk shall immediately transmit one copy of the application to the Chief of Police for investigation of the application. In addition, the City Clerk shall transmit a copy of the application to the Codes Enforcement Officer.

   It shall be the duty of the Chief of Police or his/her designee to investigate such application to determine whether the information contained in the application is accurate and whether the applicant is qualified to be issued the license applied for. The Chief of Police shall report the results of the investigation to the City Clerk immediately upon receiving the results of his investigation.

It shall be the duty of the Codes Enforcement Officer to determine whether the structure where the adult business will be conducted complies with the requirements and meets the standards of the applicable health, zoning, building code, fire and property maintenance ordinances of the City. The Codes Enforcement Officer shall report the results of the investigation to the City Clerk immediately upon receiving the results of his investigation.

Upon receipt of the reports from the Chief of Police and Codes Enforcement Officer, the City Clerk shall submit to the City Administrator for consideration, provided the license application for an adult business, manager, server or entertainer license shall be approved or disapproved within 45 days from the date of filing of a completed application with the City Clerk's office.

3.306 EXAMINATION OF APPLICATION, ISSUANCE OF LICENSE, DISAPPROVAL

1. If the application for an adult business, manager, server or entertainer license is in proper form and accompanied by the appropriate license fee, the City Administrator shall examine the application, and after such examination, the City Administrator shall, if the applicant is qualified, approve a license as provided for by law, provided a license shall not be approved to any person ineligible pursuant to Section 10.
2. The record of the City Administrator shall show the action taken on the application, and if the license is granted, the City Administrator shall direct the City Clerk to issue the proper license. The license shall state that it is not transferable to other persons or entities and the calendar year for which it is issued. The license shall be kept posted in a conspicuous place in the place of business that is licensed or where the licensee is working.
3. If an application for a license is disapproved, the applicant shall be immediately notified by registered or certified mail to the applicant's last know address, and the notification shall state the basis for such disapproval. Any applicant aggrieved by the disapproval of a license application may seek judicial review in a manner provide by law.

3.307 LICENSE – INELIGIBILTY & DISQUALIFICATION

No person is eligible nor shall a license be issued to:

1. An adult business applicant if one or more of the following conditions exist:
   A. The applicant's premises is located within one thousand feet (1000') of any school, church, public park, licensed child care center or licensed child care home. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's business to the nearest point on the property line of such school, church, public park, licensed day care center, or licensed child care home.
   B. The applicant's premises is located within one thousand feet (1,000') of any other adult business for which there is a license issued. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's business to the nearest point on the property line of such other adult business.
   C. The applicant's premises is located within one hundred-fifty feet (150') of any residentially zoned property. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's business to the nearest point on the property line of the residentially zoned property.
   D. In the case of an application for an adult business license for a business use defined in Section 3.A.3(b) or Section 3.A.3(c) described as adult entertainment business, adult motion picture theater, adult entertainment cabaret, adult entertainment studio, adult encounter parlor, body painting studio, bath house or adult motel, the applicant's premises is located within three hundred feet (300') of any residentially zoned property. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the applicant's business to the nearest point on the property line of the residentially zoned property.
   E. The applicant failed to supply all of the information requested on the application;
   F. The applicant gave materially false, fraudulent or untruthful information on the application;
   G. The applicant's proposed business premises does not comply with or meet the requirements of the applicable health, zoning, building code, fire and property maintenance ordinances of the City, provided, that upon a showing that the premises meets said requirements and that the applicant is otherwise qualified, the application shall be eligible for reconsideration by the City Administrator.
   H. The applicant has been convicted, released from incarceration, for conviction, or diverted on any of the crimes

set forth in Section 8 of this Chapter during the time period set forth in said section;

I. The applicant has had an adult business or comparable license revoked or suspended in this or any other City during the past five years;

J. If the applicant is applying for a license to operate a bath house or body painting studio and has not produced a health certificate as required herein for all persons working on the premises.

2. An applicant for a manager, server or entertainer if one or more of the following conditions exist:
   A. The employer for whom the applicant intends to work does not have or is ineligible to receive an adult business license for any of the reasons stated in subsection A above:
   B. The applicant has been convicted, released from incarceration for conviction, or diverted on any of the crimes set forth in Section 8 of this Chapter during the time period set forth in said section;
   C. The applicant failed to provide all of the information required on the application;
   D. The applicant gave materially false, fraudulent or untruthful information on the application;
   E. The applicant has had a manager, server, entertainer or comparable license revoked or suspended in this or any other city during the past five years.

3.308 STANDARDS OF CONDUCT

The following standards of conduct shall be adhered to by all adult business licensees, their employees and all managers, servers and entertainers and patrons of adult businesses, while on or about the premises of the business:

1. Identification Cards. All or any manager, server or entertainer issued a license by the City under the provisions of this chapter shall, at all times when working in an establishment subject to the provisions of this chapter, have in their possession a valid identification card issued by the City, bearing the permit number, the employee's physical description and a photograph of such employee. Such identification cards shall be laminated to prevent alteration.
2. Age Restriction. Only persons 18 years of age or older shall be permitted on the premises of any adult business.
3. Exterior Observation and Display. No adult business will be conducted in any manner that permits the observation or display of performers, servers, or entertainers engaged in an erotic depiction or dance or any material or persons, caricatures, animals, or any portion thereof depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, or any books, cards, magazines, periodicals or other printed matter, photographs, slides, films, motion pictures, or videotapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" from any exterior source including, but not limited to, by display, decoration, sign, show window or other opening.
4. Nudity Prohibited. No manager, employee, server, entertainer or patron in an adult business, other than a licensed bath house, shall appear nude, unclothed, in less than opaque attire or in any fashion that exposes to view any "specified anatomical area."
5. Certain Acts Prohibited
   A. No manager, employee, server, entertainer or patron shall perform any "specified sexual activities" as defined herein, wear or use any device or covering exposed to view which simulates any "specified anatomical area," use artificial devices or inanimate objects to perform or depict any of the "specified sexual activities" as defined herein, or participate in any act of prostitution.
   B. No manager, employee, server, entertainer or patron of an adult business shall knowingly touch, fondle, or caress any "specified anatomical area" of another person, or knowingly permit another person to touch, fondle, or caress any "specified anatomical area" of such manager, employee, server, entertainer or patron, whether such "specified anatomical areas" are clothed, unclothed, covered or exposed.
   C. No manager, employee, server or entertainer of an adult business shall be visible from the exterior of the adult business while such person is unclothed or in such attire, costume or clothing as to expose to view any "specified anatomical area."
   D. No entertainer shall solicit, demand, or receive any payment or gratuity from any patron or customer for any act prohibited by this chapter and no entertainer shall receive any payment or gratuity from any customer for any entertainment except as follows:
      1) While such entertainer is on the stage or platform, a customer or patron may place such payment or gratuity into a box affixed to the stage, or
      2) While such entertainer is not on the stage or platform and is clothed so as to not expose to view any "specified anatomical area," a customer or patron may either place such payment or gratuity into the entertainer's hand, or under a leg garter worn by such entertainer at least four inches below the bottom of

the pubic region.

E. No owner, operator, manager or other person in charge of the premises of an adult shall:
   1) Knowingly permit alcoholic liquor or cereal malt beverages to be brought upon or consumed on the premises, (unless otherwise permitted pursuant to Section 2.1, Liquor Sales, of the City Code of Ordinances),
   2) Knowingly allow or permit the sale, distribution, delivery or consumption of any controlled substance or illegal drug or narcotic on the premises,
   3) Knowingly allow or permit any person under the age of 18 years of age to be in or upon the premises,
   4) Knowingly allow or permit any act of prostitution or patronizing prostitution on the premises, or
   5) Knowingly allow or permit a violation of this chapter or any other city ordinance provision or state law.

6. Signs Required

All adult businesses shall have conspicuously displayed in the common area at the principal entrance to the premises a sign, on which uppercase letters shall be at least two inches high, and lowercase letters at least one inch high, which shall read as follows:

THIS ADULT BUSINESS IS REGULATED AND LICENSED BY THE CITY OF ODESSA

ENTERTAINERS ARE:

- Not permitted to engage in any type of sexual conduct or prostitution on the premises or to fondle, caress or touch the breasts, pubic region, buttocks or genitals of any employee, patron or other entertainer or to permit any employee, patron or other entertainer to fondle, caress or touch the breasts, pubic region, buttocks or genitals of said entertainer.

- Not permitted to be nude, unclothed, or in less than opaque attire, costume or clothing so as to expose to view any portion of the breasts below the top of the areola, or any portion of the pubic region, buttocks and or genitals.
- Not permitted to demand or collect any payment or gratuity from any customer for entertainment, except as follows:
  - While such entertainer is on the stage, by placing such payment or gratuity into a box affixed to the stage, or
  - While such entertainer is not on the stage, by either placing such payment or gratuity into the entertainer's hand, or under the entertainer's leg garter.

CUSTOMERS ARE:

- Not permitted to be upon the stage at any time.

- Not permitted to touch, caress or fondle the breasts, pubic region, buttocks or genitals of any employee, server or entertainer or engage in solicitation for prostitution.

7. Lighting Required

The premises of all adult businesses shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than one foot-candle as measured at the floor level, and such illumination must be maintained at all times that any customer or patron is present in or on the premises.

8. Closed Booths or Rooms Prohibited

The premises of all adult businesses shall be physically arranged in such manner that the entire interior portions of any booths, cubicles, rooms or stalls is visible from a common area of the premises. Visibility shall not be blocked or

obscured by doors, curtains, drapes or any other obstruction whatsoever.

9. Ventilation and Sanitation Requirements
The premises of all adult businesses shall be kept in a sanitary condition. Separate dressing rooms and restrooms for men and women shall at all times be maintained and kept in a sanitary condition.

10. Hours of Operation
No adult business may be open or in use between the hours of 2:00 a.m. and 9:00 a.m. on any day other than a Sunday when the business may not be open between the hours of 2:00 a.m. and 12:00 noon.

3.309 LICENSE – POSTING OR DISPLAY

1. Every person, corporation, partnership, or association licensed under this chapter as an adult business shall post such license in a conspicuous place and manner on the adult business premises.
2. Every person holding a server, manager or entertainer license shall post his or her license in his or her work area on the adult business premises so it shall be readily be available for inspection by City authorities responsible for enforcement of this chapter.

3.310 MANAGER ON PREMISES

1. A manager shall be on duty at any adult business at all times the premises are open for business. The name of the manager on duty shall be prominently posted during business hours.
2. It shall be the responsibility of the manager to verify that any person who provides adult entertainment or works as a server within the premises possesses a current and valid adult entertainer's license or an adult entertainment servers license and that such licenses are prominently posted.
3. It shall be the responsibility of the manager to insure persons under the age of eighteen (18) do not enter upon the premises.

3.311 INSPECTOR AND INSPECTIONS

All adult businesses shall permit representatives of the police department or any other City official acting in their official capacity to inspect the premises as necessary to insure the business is complying with all applicable regulations and laws.

3.312 SUSPENSION, REVOCATION, OR NON-RENEWAL – LICENSE

Whenever the City Clerk has information that:

1. The owner or operator of an adult business or a holder of a manager, server or entertainer license has violated, or knowingly allowed or permitted the violation of, any of the provisions of this chapter; or
2. There have been recurrent violations of provisions of this chapter that have occurred under such circumstances that the owner or operator of an adult business knew or should have known that such violations were committed; or
3. The adult business license or the manager, server or entertainer license was obtained through false statements in application for such license, or renewal thereof; or
4. The adult business licensee or the manager, server or entertainer licensee failed to make a complete disclosure of all information in the application for such license, or renewal thereof; or
5. The owner or operator, or any partner, or any corporate officer or director holding an adult business license has become disqualified from having a license by a conviction as provided in Section 10; or
6. The holder of a manager, server or entertainer license has become disqualified from having a license by conviction as provided in Section 10;

Then the City Clerk shall make this information known to the Board of Aldermen, which upon five days written notice to the person holding the license shall conduct a public hearing to determine whether the license should be suspended or revoked. The Board of Aldermen may pass a resolution setting forth the procedures for the conduct of such hearings. Based on the evidence produced at the hearing, the Board of Aldermen may take any of the following actions:

1. Suspend the license for up to ninety days.
2. Revoke the license for the remainder of the license year.
3. Place the license holder on administrative probation for a period of up to one year, on the condition that no further violations of the chapter occur during the period of probation. If a further violation does occur and after a hearing the additional violation is determined to have actually occurred, the license will be revoked for the remainder of the license year.

3.313 RENEWAL

1. A license may be renewed by making application to the City Clerk on application forms provided for that purpose. Licenses shall expire on June 30 of each calendar year, and renewal applications for such licenses shall be submitted between June 15 and June 30.
2. Upon timely application and review as provided for a new license, a license issued under the provisions of this chapter shall be renewed by issuance of a new license in the manner provided in this chapter.
3. If the application for renewal of a license is not made during the time provided in subsection (A) of this section, the expiration of such license shall not be affected, and a new application shall be required.

3.314 JUDICIAL REVIEW – STAY OF ENFORCEMENT OF ORDERS

Following the entry of an order by the Board of Aldermen, suspending or revoking a license issued pursuant to this chapter, or the City Administrator disapproving the renewal application for a license, such licensee or applicant may seek judicial review in a manner provided by law. The Board of Aldermen may stay enforcement of such order for a period of time not to exceed 30 days pending the filing and/or final disposition of proceedings for judicial review.

3.315 PENALTY

It shall be unlawful for any person to violate any of the provisions of this chapter. Upon conviction thereof, such person shall be punished by a fine not to exceed $500.00, or be punished by incarceration for a period not to exceed ninety (90) days, or by both such fine and incarceration. Each day's violation of, or failure, refusal or neglect to comply with, any provision of this chapter shall constitute a separate and distinct offense.

3.316 REGULATIONS

The City Clerk shall have the power to promulgate regulations, as may be necessary and feasible for the carrying out of the duties of his/her office and which are not inconsistent with the provisions of this chapter.

3.317 SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The Board of Aldermen hereby declares that it would have passed the ordinance which adopted this Chapter and each section, subsection, subdivision, paragraph, sentence, clause or phrase in this Chapter or any part hereof irrespective of the fact that anyone or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional.

3.318 STATE AND NATIONAL CRIMINAL BACKGROUNDING OF PERSONS ENGAGED IN ADULT BUSINESSES.

A. This ordinance is enacted pursuant to RSMo 43.535 to regulate the ownership and employment of those engaged in adult businesses.
B. An applicant, employee, or volunteer seeking to engage in an adult business shall submit a set of his/her fingerprints taken by the Police Department of the City of Odessa, Missouri, along with the appropriate fees.
C. Upon receipt of the fingerprints and the appropriate fees, the Odessa Chief of Police will transmit both sets of fingerprints and appropriate fees to the Missouri State Highway Patrol. The Missouri State Highway Patrol will compare the subject's fingerprints against its criminal file and, if necessary, submit the fingerprints to the Federal Bureau of Investigation for a comparison with nationwide records. The results of the Federal Bureau

of Investigation check will be returned to the Missouri State Highway Patrol, which will disseminate the state and national results to the Odessa Chief of Police.

D. The Odessa Chief of Police, along with the City Clerk, shall render a fitness determination based upon the results of the criminal background check.
E. In rendering a fitness determination, the Chief of Police and City Clerk will decide whether the record subject has been convicted of or is under pending indictment for a crime which bears upon his/her ability or fitness to serve in that capacity or any felony or misdemeanor which involved force or threat of force, controlled substances, or was a sex-related offense.
F. A record subject may request and receive a copy of his/her criminal history record information from the Chief of Police. Should the record subject seek to amend or correct his/her record, he/she must contact the Missouri State Highway Patrol for a Missouri state record or the Federal Bureau of Investigation for records from other jurisdictions maintained in its file. *[Ord. 2735 01/12/2009]*

SUBCHAPTER E – SUSPENSION, REVOCATION OR NON-RENEWAL OF BUSINESS LICENSES

Section 3.501 Suspension, Revocation or Non-Renewal of Business Licenses

Whenever the Mayor or City Administrator has information that:

(a) The application or licensee for an occupational license has violated, or knowingly allowed or permitted the violation of the provisions of this section or any other coeds and ordinances of the City;

(b) The applicant or licensee for an occupational license has violated, or knowingly allowed or permitted the violation of the provisions of any federal, state or county statutes or regulations;

(c) There have been recurrent violations of provisions of this section or other law that have occurred under such circumstances that the applicant or licensee of a business knew or should have known that such violations were being committed;

(d) The applicant or licensee failed to make a complete disclosure of all information requested in the application for such license, or renewal thereof;

(e) The applicant has failed to pay the appropriate tax owed under this chapter; or

(f) The licensee has conducted the business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to health, safety, or general welfare of the public; or

(g) The application or licensee has made a false statement on their application for a license or renewal:

Then in such event, the mayor shall refer the matter to the Board of Aldermen.

Section 3.502 Notice of Hearing

Notice of such hearing shall be in writing and shall set forth th reason for the hearing or the complaint against the licensee and shall be served upon the license in person or by certified mail sent to the licensee's last known address. In the event that the notice is not able to be served upon the licensee in person, and any notice sent by mail is returned by the postal service, the City shall cause notice to be

(a) published in a local newspaper for three (3) consecutive editions, and /or
(b) Posted at the entrance to the licensee's principal [lace of business.

Section 3.503 Hearing Procedures

(a) In any instance in this section wherein a hearing is required, the hearing officer shall, after no less than ten (10) days written notice to the applicant or licensee, hold a hearing to ascertain all relevant facts in the matter

(b) An applicant or licensee shall have the right to be represented by council, to produce witnesses and other evidence, and to cross examine all witnesses who appear against him. Oral evidence shall be taken only upon oath or affirmation. All proceedings in such hearing shall be recorded and transcribed as required by laws. The hearing officer may receive evidence relevant to the issues from any source.

(c) If the hearing office finds and concludes from the evidence that the licensee has violated any of the above provisions, he may suspend the license for a period not to exceed ninety (90) days. Or revoke the license issued hereunder, or in the case of a renewal application, refuse to renew such license.

(d) The hearing officer shall issue written findings and conclusions of law, and an order. The hearing officer's order shall be served upon the applicant's or licensee's last known address.

CHAPTER 4

TAXATION CODE

Published 12/31/05

CHAPTER FOUR
TAXATION

SUBCHAPTER A TAXATION OF PROPERTY

4.100 RATE OF TAXATION

There shall be annually assessed, levied and collected on the assessed value of all real estate and personal property, and on the amount of merchants' stock of goods, in the City of Odessa, subject to taxation by the laws of this State, a tax in such amount, not exceeding one dollar on the one hundred dollars assessed valuation, as may be necessary to defray the expenses of the government of said City, and in addition thereto such further amount as may have been authorized and be necessary to pay the interest on all outstanding bonds of the city, and to create a sinking fund to pay such bonds when they fall due. (RSMo. 94.250, 95.380)

4.101 ASSESSMENT OF PROPERTY

The city assessor shall jointly with the county assessor, as soon as may be after the first day of January in each year, assess all property in the city made taxable by law for city purposes, and such assessment, as made by the city assessor and county assessor jointly and after the same has been passed upon by the Board of Equalization of Lafayette County, shall be taken as a basis from which the Board of Aldermen shall make the levy for city purposes. The assessments of the city property, as made by the city and county assessors, shall conform to each other, and after the Board of Equalization has passed upon such assessment and equalized the same, the city assessor's books shall be corrected in red ink in accordance with the changes made by said Board of Equalization, and so certified by said board, and then returned to the Board of Aldermen. (RSMo. 94.190)

4.102 BOARD TO FIX RATE OF LEVY

The Board of Aldermen shall, within a reasonable time after the assessor's books of each year are returned by the Board of Equalization, ascertain the amount of money to be raised thereon for general and other purposes, and fix the annual rate of levy therefor by ordinance. (RSMo. 94.120)

4.103 CITY CLERK TO MAKE TAX BOOKS

As soon as the levy has been made by the Board of Aldermen, the tax book shall be delivered to the City Clerk, who shall proceed to extend the taxes so levied, and the taxes shall be extended therein as near as may be in the same manner that the taxes of the State and County are extended. (RSMo. 94.290)

4.104 CITY CLERK TO CHARGE COLLECTOR

A. When the tax books shall be completed by City Clerk he shall deliver the same to the City Collector, who shall, upon receiving such book, give his receipt therefor, stating the amount of taxes therein charged, which receipt shall be retained by the Clerk, and the Clerk shall charge the Collector with the whole amount of the tax levied as shown by such receipt and the Clerk shall open an account with the Collector and give him credit for all taxes paid by him to the Treasurer as shown by the Treasurer's receipts, and for all delinquent taxes. (RSMo. 94.290)

B. It shall be the duty of the collector of revenue immediately after the receipt of the tax books, to give notice that said tax books for the current year have been placed in his hands for collection. Such notice shall be given by not less than two weekly publications in all the papers printed and published in the city or by mailing tax statements to taxpayers.

C. If any person shall fail or refuse to pay the city taxes to the collector on or before the first of January next after the same has been levied, it shall be the duty of the city collector to collect and account for as other taxes an additional tax, as penalty, of two percent per month or fraction thereof or total of 18% per delinquent year, that such taxes remain due and unpaid, and the collector shall on the day of his annual settlement with the City Clerk and Board of Aldermen, being the first Monday in April of each year, file with the City Clerk a statement under oath of the penalties so received, and of whom received, and he shall settle with the City Clerk, who shall see that the penalties aforesaid are accounted for upon all taxes reported paid by the collector on and after the second day of January of each year. (RSMo. 140.100)

4.105 NONRESIDENTS TO BE FURNISHED STATEMENT

It shall be the duty of the collector to furnish to all non-resident taxpayers a statement of the amount of taxes assessed against any tract of land or town lot in the city for any year or years for which he is collector, and send the same by mail to the address of any person applying to him by letter for the same; and if no taxes are due on any such tracts or lots, he shall answer such letter of inquiry, stating the fact; and whenever any funds are remitted by mail or otherwise to the collector for the payment of any taxes appearing to be due on his tax books, it shall be his duty to receive the same and send his receipt therefor by mail to the person remitting the same; provided, that he may charge all sums which he shall have to pay for postage as costs against the person applying or remitting to him, but no other costs. (RSMo. 139.060)

4.106 SEIZURE AND SALE OF PERSONAL PROPERTY

The Collector shall diligently endeavor and use all lawful means to collect all of the taxes which he is required to collect, and to that end shall have the power to seize and sell the goods and chattels of the person liable for taxes, in the same manner as goods and chattels are or may be required to be seized and sold under execution issued on judgment at law; and no property shall be exempt from the seizure or sale for taxes; provided, that no such seizure and sale shall be made until on and after the first day of January of each year. But in no case shall such seizures and sale be made until the Collector shall have demanded payment of the tax, either by personal application to the party liable to pay the tax or by leaving a written or printed notice at the usual place of abode of such person, with same member of his family over the age of fifteen years, nor for ten days after such demand shall have been made, except the person or persons owing such tax are about to remove from the county, or the collector has reason to believe that they are about to remove; then in such cases, the seizure and sale may be made without demand having been made. Seizure under this section may be made in any part of Lafayette County. (RSMo. 139.120, 139.139 (2))

4.107 COST OF LEVY FOR SEIZURE OR SALE

Whenever taxes shall be collected by seizure or sale of goods and chattels, the collector shall levy and collect, in addition to the amount of taxes and cost for failure to pay, the necessary costs of the proceedings, seizures, levy and sale; provided, that in levying and selling personal property for taxes, the collector shall be governed by the same rules and law and shall be entitled to the same fees as Sheriffs are or may be entitled for like services upon executions. (RSMo. 139.130)

4.108 RECEIPT FOR PAYMENT

The collector shall give to each person paying his taxes a receipt, showing the amount paid by such person and on what property, and shall write opposite the name of such person in the tax book in the proper column the word paid and the date of payment, and the receipt of the city collector shall agree as nearly as possible an practicable in form with the receipt required by law to be given by the county collector. (RSMo. 139.090)

4.109 MAKING AND APPROVAL OF DELINQUENT LISTS

A. It shall be the duty of the Board of Aldermen to require the Collector, annually, at the first meeting of the Board of Aldermen in April of each year, or as soon thereafter as may be, to make out, under oath, lists of delinquent taxes remaining due and uncollected for each year, to be known as the "Land and Lot Delinquent Lists" and the "Personal Delinquent Lists" It shall be the duty of the Board of Aldermen at the meeting at which said delinquent list shall be returned or as soon as may be thereafter, to carefully examine the same; and if it shall appear that all property and taxes contained in said lists are properly returned as delinquent, the Board of Aldermen shall approve the same and cause a record thereof to be entered on the journal and cause the amount thereof to be credited to the City Collector. The Board of Aldermen shall cause the land and lot delinquent list to be returned to the City Collector, who shall be charged therewith, and who shall proceed to collect the same, in the manner and under the same regulations as are or may be provided by law for the collection of delinquent lists of real and personal taxes for state and county purpose; provided that all suits for the collection of city taxes shall be brought

in the name of the State, at the relation and to the use of the city collector. RSMo. 94.320)

B. The city collector shall upon receipt of the delinquent list, as aforesaid, give notice by publication for two weeks in all the newspapers printed and published in the City, that such lists are in his hands for collection, and if payment of such delinquent taxes is not made within ten days after the last publication of said notice, he shall enforce the collection of the same by any legal means. (RSMo. 140.170)

4.110 COLLECTOR TO REPORT TO BOARD OF ALDERMEN

A. The city collector shall report to be Board of Aldermen at the regular meeting of said board, all taxes collected on the real and personal delinquent lists; and he or she shall pay the same to the city treasurer, receiving a receipt therefor in duplicate, and upon filing one of said duplicate receipts with the clerk shall receive credit therefor. The collector shall turn over to his or her successor in office all uncollected delinquent lists, receive credit therefor, and his or her successor shall be charged therewith; provided, that the Board may declare worthless any and all personal delinquent taxes which they may deem uncollectible.

B. If any collector shall fail or refuse to return the delinquent lists on the first meeting in March as provided, he shall forfeit to the city two hundred dollars to be recovered by civil action; provided, that the Board of Aldermen may in their discretion relieve him from such forfeiture.

C. It shall be the duty of the city collector, under the supervision of the Board of Aldermen, whenever any taxes may be due the city, to demand payment thereof and if necessary, to bring suit for the recovery of the same, and upon recovery thereof to pay said taxes into the city treasury and it is hereby made the duty of the city attorney to bring suits for any delinquent taxes, who shall receive for his services reasonable compensation as the Board of Aldermen may allow which sum shall be taxed as costs in the suit and collected as other costs.

D. All actions commenced under the provisions of this Subchapter for the recovery of delinquent taxes on real estate shall be prosecuted in the name of the State of Missouri, at the relation and to the use of the city collector, and against the owner of the property, in the circuit court of Lafayette County, and all lands owned by the same person or persons, may be included in one petition and one count thereof, for the taxes for all years as taxes may be due thereon, and said petition shall show the different years for which taxes are due, as well as the several kinds of taxes or funds to which they are due, with the respective amounts due to each fund, all of which shall be set forth in a tax bill of said back taxes, duly authenticated by the certificate of the city collector and filed with the petition; and said tax bill or bills so certified shall be prima facia evidence that the amount claimed in said suits is just and correct and all notices and processes in suits under this section shall be sued out and certified in the same manner as in civil actions in circuit courts; and in case of suits against non-residents unknown parties, or other parties on whom service cannot be had by ordinary summons, proceedings shall be the same as now provided by law in civil actions affecting real property.

E. The judgment, if against defendant or defendants, shall describe the land upon which the taxes are found to be due, shall state the amount of taxes and interest found to be due upon each tract or lot and the year or years for which the same are due up to the rendition thereof, and shall decree that the lien of this city be enforced; that the real estate, or so much thereof as may be necessary to satisfy said judgment, interest and costs, be sold and special fieri facias be issued thereon which shall be executed as in other cases of special judgment and execution and said judgment shall be a special lien upon said land. The Sheriff shall execute to the purchaser a real estate deed to the property said, which shall be acknowledged before the circuit court of the county as in ordinary cases, which shall convey a title in fee to such purchaser of the real estate therein named, and shall be prima facia evidence of the title, and that the matters and things stated therein are true. In all suits under this Chapter the general laws of the state as to practice and proceedings in civil cases shall apply as far as applicable; provided, that no suit shall be brought for any such delinquent taxes until after the expiration of one year from the date of their having become delinquent.

F. Personal taxes shall constitute a debt for which a personal judgment may be recovered before a magistrate court against party assessed with such taxes. All actions commenced under this section shall be presented in the name of the State of Missouri at the relation and the use of the collector of the City of Odessa against the person

or persons named in the tax bill or bills, and in one petition and one count thereof may be included in the taxes for all the years which may be delinquent and unpaid. Such taxes shall be set forth in a tax bill or bills of said personal back taxes duly authenticated by the certificate of the collector and filed with the petition. Said tax bills so certified shall be prima facia evidence that the amount claimed in said suit is just and correct. All notices and processes in suits under this section shall be sued and served in the same manner as in civil actions before a magistrate court and the general law regulating practice in that court shall apply. Such action shall be prosecuted by the city attorney who shall receive the same fees as for action brought to enforce the collection of delinquent taxes assessed against real estate. For the purpose of maintaining personal actions, tax bills shall be delinquent on the first day of January following the day when said taxes are placed in the hands of the collector. The remedy hereby provided by this section for the collection of personal tax bills is cumulative and shall not in any manner impair other methods existing nor shall it be construed as depriving the collector of the power to use his tax bills or books as executions and make levies as otherwise provided by this Subchapter. (RSMo. 94.330)

SUBCHAPTER B SALES TAX

4.200 TAX FOR GENERAL REVENUE

It is hereby found and determined that the vote at the special election held in the city of Odessa, Missouri, on February 7, 1978, at which election there was submitted to the qualified voters of said City the proposition to impose a tax for general revenue purposes on all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail at the rate of 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 Odessa, Missouri, if such property or services are subject to taxation by the State of Missouri, under the provisions of Sections 144.010 to 144.510 RSMo. pursuant to the authority granted by and subject to the provisions of Sections 64.500 to 94.570 Vernon's Annotated Missouri Statutes.

CHAPTER 5

UTILITIES CODE

Published 5/23/11

CHAPTER FIVE
UTILITIES

SUBCHAPTER A – GENERAL UTILITY REGULATIONS

5.010 FRANCHISE, LEASE, RIGHT OR PRIVILEGE - HOW GRANTED

No ordinance or amendment or modification thereof granting the franchise, lease, right or privilege for telephone, natural gas, or other utilities in or under the public streets or thoroughfares of the City of Odessa, Missouri, shall go into effect or become operative or vest any right in any person, firm, or corporation grantee unless such franchise shall first be approved by a majority of the qualified electors voting at the Municipal Election at which the proposed grant of franchise is properly submitted. No such proposed grant or franchise shall be voted on unless the full text thereof shall have been published prior thereto in at least three issues of the local weekly newspaper in the City of Odessa, Missouri, the last publication being within seven days of the date of the election and the posting of notices of said election in ten public places within the City of Odessa, Missouri, posted at least fifteen days prior to said election. Should the proposed grant be submitted at a special election the cost thereof shall be borne by the applicant. Any such ordinance however, may be amended or modified by the Board of Aldermen of the city as to streets, alleys, or public places already occupied and used by any person, persons, or corporations by and under a franchise then in existence and only as to such streets, alleys or public places used and occupied by such person, persons, or corporation under a franchise then existing, when such modifications or amendments are necessary to enable such person or corporation to enlarge, better or improve said streets, alleys, public thoroughfares or public places then used and occupied by such person or corporation by and under a franchise then in existence, for the purpose of removing or overcoming hindrances to public service. The Board of Aldermen shall have the right to grant to any railroad company the right to construct switches or spur tracks to any industrial plants or warehouses.

5.020 CHARGE FOR RETURNED CHECKS

A charge of $10.00 is hereby imposed for utility payment checks payable to the City of Odessa which are returned unpaid to the city for any reason.

5.030 UTILITIES EXEMPT FROM CITY SALES TAX

The City of Odessa, Missouri, does hereby exempt from its city sales tax all sales of metered water service, electricity, electrical current, and natural, artificial or propane gas for domestic use. For purposes of this section, domestic use means that portion of metered water service, electricity, electric current, and natural, artificial or propane gas which an individual purchaser uses for non-business, non- commercial or non-industrial purposes.

5.040 UTILITY SERVICE OUTSIDE CITY LIMITS

All applicants for utility service who seek service outside the corporate city limits of the City of Odessa shall bear all costs of construction for the service. All equipment shall remain the property of the City of Odessa.

5.050 UTILITY SERVICE APPROVAL

No municipal utility service shall be provided to any non-resident of the City of Odessa without prior approval of the Board of Aldermen.

5.060 TRACER WIRE

An insulated copper wire shall be placed and secured to the top of new water main and sanitary sewer main extensions or relocations, when such main is constructed of plastic or other approved non-metallic material. The wire installation shall conform to the following:

a. The wire shall be insulated, No. 14 gauge or heavier, single strand, direct bury, electrical wire.
b. Splices shall be compression type splices.
c. The wire shall extend up the inside of each valve box or exterior manhole outlets, or at tracer ports.

SUBCHAPTER B - WATER

5.102 MUNICIPAL SUPERINTENDENT - DUTIES

It shall be the duty of the Municipal Superintendent, or his authorized agents, to supervise the entire system of water works belonging to the City and thoroughly and carefully examine the same at least once per month. He shall work under the direction and control of the Mayor and Public Works Committee, recommend to the Mayor and Board of Aldermen all necessary repairs, changes and improvements in the buildings, machinery, pipes, tanks, tools and appliances connected with said water works system; keep an accurate account of the supplies and expenditures furnished and expended in the operation, management, improvement and repair of said system; report monthly to the Board of Aldermen the nature and amount of the same, the placing, repairing and maintenance of meters, valves, fire plugs and all other property and appurtenances of the system, and report the supply of water distributed. He shall, at the direction of the Public Works Committee, employ necessary labor, superintend the enlargement and extension of the water works system, superintend and direct the laying of pipes, tapping of water mains, sewer mains and sewer laterals, inspect all plumbing and perform all duties in relation to said water works system that may be required of him by the Public Works Committee. He shall receive such salary as may be provided by ordinance.

5.104 GENERAL REGULATIONS GOVERNING WATER CONSUMERS

The following rules for the government of the water works system and the consumers of water are hereby established.

1. No occupant or owner of any building and/or real property in which water as introduced from connection with the water works system, shall be allowed to supply other persons, firms, corporations, or families with water therefrom without the prior consent of the Mayor and Board of Aldermen.

2. Whenever two or more parties shall be supplied from one service pipe connected with the main, the failure on the part of one of said parties to comply with the rules and restrictions of the water works system, shall authorize the Superintendent to withhold the supply of water from such main without liability to such other party or parties.

3. No addition or alteration whatever in or about any conduit pipe or water cock shall be made by persons taking water without notice or permission from the Superintendent.

4. All persons taking water shall keep their own service pipes and apparatus in good repair and protected from frost, at their own expense, and shall prevent all unnecessary waste of water, and it is expressly stipulated that no claim shall be made against the city by reason of the breaking of any service pipe or stop cock between the main and property line, but the city shall use every endeavor to make immediate repair thereof.

5. No hydrant shall be permitted in the parkway or on the sidewalk or in the front area of any property nearer than ten feet from the front property line. No hydrant shall be permitted to be kept running when not in actual use, and all house fixtures shall be closed except when in actual use.

6. The Superintendent and all those employed under him shall have free access at all proper hours of the daytime to all parts of every building in which water is delivered, in the performance of their duties.

7. Tracer Wire – An insulated copper wire shall be placed and secured to the top of water main extensions or relocations, when such main is constructed of plastic or other approved non-metallic material. The wire installation shall conform to the following:

(a) The wire shall be insulated, No. 14 gauge or heavier, single strand, direct bury, electrical wire.

(b) Splices shall be compression type splices.

(c) The wire shall extend up the inside of each valve box and be of sufficient length to be easily accessible.

5.105 NEW CONNECTIONS TO THE WATER DISTRIBUTION SYSTEM

Any new connection to the water distribution system, including, but not limited to connections to buildings, structures, or residences (both single and multi-family), water mains or extensions, or storage facilities, will be permitted only with the written approval of the Public Works Director and the City Engineer, according to their professional opinions on the safe and most effective and efficient usage of the public water system.

5.106 INTERFERENCE WITH FIRE HYDRANT

No person, other than the authorized city employees and/or the members of the fire department, for the use and purposes of said department, shall open any fire hydrant or attempt to draw water from the same or in any manner interfere with or injure the same.

5.108 INTERFERENCE WITH PUBLIC HYDRANT

No person shall willfully or carelessly break or injure any of the public hydrants constructed in the city, or waste the water there from.

5.109 POLICY GOVERNING CROSS CONNECTIONS , AUXILIARY INTAKES AND INTERCONNECTIONS

Section 1

That the following definitions and terms shall apply in the interpretation and administration of this policy, to-wit;

a) Water Supply: The term “Water Supply” as used herein shall be deemed to mean Public Water Supply for the City of Odessa, Missouri, a public corporation.

b) Public Water System: The Water Works system for the Water Supply which furnishes water for general use and which is recognized as a public water system by the Missouri Department of Natural Resources.

c) Cross Connection: Any physical arrangement whereby the Public Water System of the Water Supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains, or may contain contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the Public Water System as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices through which, or because of which, backflow could occur are considered cross connections.

d) Auxiliary Intake: Any piping connection or other device whereby water may be secured from a source other than that normally used.

e) Interconnection: Any system of piping or other arrangement whereby the Public Water System of the Water Supply is connected directly with a sewer, drain, conduit, pool, storage reservoir, or other device which does or may contain sewage or other waste or liquid which would be capable of imparting contamination to the Public Water System.

f) Person: Any individual, corporation, company, association, partnership, state, municipality, utility district, water cooperative or Federal Agency.

Section 2

The City of Odessa desires to comply with the Missouri department of Natural Resources, Rules and Regulations, 10 CSR 60-11.010, Prevention of Backflow, which pertain to cross connections, auxiliary intakes and interconnections, and establish an effective, ongoing program to control these undesirable

water uses.

Section 3

That no person shall cause a cross connection, auxiliary intake, or interconnection to be made, or allow one to exist for any purpose whatsoever, unless the construction and operation of the same has been approved by the Missouri Department of Natural Resources and the operation of such cross connection, auxiliary intake, or interconnection is at all times under the direct supervision of the Supervisor of the Water Supply or his authorized representative.

Section 4

That any person whose premises are supplied with water from the public water system, and who also has on the same premises a separate source of water supply or stores water in an uncovered or unsanitary storage reservoir from which the water stored therein is circulated through a piping system, shall execute and file with the City of Odessa, a statement certifying the non-existence of unapproved cross connection, auxiliary intake, or interconnection will be permitted upon the premises.

Section 5

That the City of Odessa shall have the right to cause inspections to be made of all properties served by the Public Water System are deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be established by the City of Odessa which shall have the right to submit the same to the Missouri Department of Natural Resources for approval.

Section 6

That any employee or other authorized representative of the City of Odessa shall have the right to enter, at any reasonable time, any property served by a connection in the Water Supply for the purpose of inspecting the piping system or systems thereof for cross connections, auxiliary intakes, or interconnections. On request, the owner, lessee, or occupant of any property so served shall furnish to said inspector any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross connections.

Section 7

That any person who now has cross connections, auxiliary intakes or interconnection in violation of this policy shall be allowed a reasonable time within which to comply with the provisions of this policy. After a thorough investigation of existing conditions and an appraisal of the time required to complete the work, the amount of time shall be designated by the City of Odessa or other authorized representative of the Water Supply System.

The failure to correct conditions threatening the safety of the Public Water System as prohibited by this policy and the Missouri Department of Natural Resources Rules and Regulations, 10CSR 60-11.010, Prevention of Backflow, within the time limits set by the City of Odessa shall be grounds for denial of water service. If proper protection has not been provided after a reasonable time, the City of Odessa shall have the right to give the customer legal notification that water service is to be discontinued, and physically separate the Public Water System from the customer's on site piping system in such a manner that the two systems cannot again be connected by an un-authorized person.

Where cross connections, interconnection, or auxiliary intakes are found that constitute an extreme hazard of immediate concern of contaminating the public water system, the City of Odessa shall have the right to require that immediate corrective action be taken to eliminate the threat to the Public Water System. Immediate steps shall be taken to disconnect the Public Water Supply from the on-site piping

system unless the hazard(s) is/are corrected immediately.

Section 8

That where the nature of use of the water supplied a premises by the water system is such that it is deemed.

a) Impractical to provide an effective air gap separation; or
b) That the owner and/or occupant of the premises cannot or is not willing to demonstrate to the City of Odessa or a designated representative, that the water use and protective features of the plumbing are such as to propose no threat to the safety or potability of the water system; or
c) That the nature and mode of operation within a premises are such that frequent alterations are made to the plumbing; or
d) There is a likelihood that protective measures may be subverted, altered, or disconnected;

Then the City of Odessa or designated representative shall have the right to require the use of an approved protective device on the service line serving the premises to assure that any contamination that may originate in the customer's premises is contained therein. The protective devices shall be reduced pressure zone type backflow preventer approved by the Missouri Department of Natural Resources. The installation shall be at the expense of the owner or occupant of the premises.

The City of Odessa shall have the right to inspect and test the device or devices on an annual basis or whenever deemed necessary by an authorized representative of the City of Odessa. Water service shall not be disrupted to test the device without the knowledge of the occupant of the premises.

Where the use of water is critical to the continuance of normal operations or protection of life, property or equipment, duplicate units shall be provided to avoid the necessity of discontinuing water service to test or repair the protective device or devices. Where it is found that only one unit has been installed and continuance of service may be critical, the City of Odessa shall have the right to give notice in writing to the occupant of the premises of plans to discontinue water service and arrange for a mutually acceptable time to test and/or repair the device. The City shall have the right to require the occupant of the premises to make all repairs indicated promptly, and the expense of such repairs shall be borne by the owner or occupant of the premises. These repairs shall be made by qualified personnel acceptable to the City of Odessa.

If necessary, water service shall be discontinued (following written notification) for failure to maintain backflow prevention devices in proper working order. Likewise the removal bypassing, or altering the protective devices, or the installation thereof, so as to render the devices ineffective shall constitute grounds for discontinuance of water service. Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects to the satisfaction of the Water Supplier (City).

Section 9

The requirements contained herein shall apply to all premises served by the City of Odessa, regardless of political subdivision boundaries, and are hereby made a part of the conditions required to be met for the Water Supply to provide water service to any premises. Such action, being essential for the protection of water supply system against the entrance of contamination which may render the water unsafe without regard to location of the premises relative to boundaries of any political subdivision.

Section 10

Whenever any person neglects or refuses to comply with any of the provisions of this policy, the City of Odessa shall have the right to discontinue water service at any premises upon which there is found to be a cross connection, auxiliary intake, or interconnection, and service shall not be restored until such cross-

connections, auxiliary intake, or interconnection has been discontinued.

5.110 RATES ESTABLISHED
Consumers of water shall be charged therefore at a rate to be fixed by the Board of Aldermen by ordinance and kept on file with the City Clerk. Such rate shall not be varied except by authority of said Board, and such rates shall be payable monthly on or before the 10th day of each month.

5.112 METERED CONNECTIONS REQUIRED
No person, firm or corporation shall be connected with said municipal waterworks system, and receive or use water there from, unless said water so taken and used shall be measured by a water meter and no connections with said waterworks system shall be had unless the same be a metered connection.

5.114 USERS OUTSIDE THE CORPORATE LIMITS
In the event any person, firm or corporation outside the corporate limits of said city desires to and does receive from said Municipal waterworks system water service, the City of Odessa, Missouri, reserves the right to establish charges therefore in excess of the water rate schedule established for users within the corporate limits.

5.116 MONTHLY PAYMENTS
Each and every house, apartment, or establishment receiving water shall receive same after it has been measured through a meter, and the established minimum charge shall be paid monthly therefore.

5.118 EQUAL APPLICATION OF RATES
No person, firm or corporation shall receive free water service from the City of Odessa, Missouri and no preferential rates shall be established for uses thereof falling within the same general classification.

5.120 PAYMENTS, LATE PAYMENTS, DISCONNECTIONS
All charges for utility service in accordance with the rates herein established shall be paid by the customer and user of said utility service by the tenth day of the month following that in which the service was furnished, and if not paid by that time, such customer shall pay an additional five percent (5%), to be charged on his bill for failure to promptly pay the same in accordance with the terms and provisions hereof. The above late charges shall be deposited into the water fund.

If the charges for any residential utility service(s) are not paid by the first business day following the 15th day of the month after said service has been furnished, all such services shall be disconnected, regardless of the amount of the deposit with the City of Odessa.

If the charges for any commercial or industrial utility service(s) are not paid by the first business day following the 15th day of the month after said service has been furnished, all such service may, at the City's sole option, be disconnected, regardless of the amount of deposit with the City of Odessa.

There is hereby established a charge of $50.00 for the reconnection of any or all city utility services during normal business hours, and a $100.00 charge for such reconnection outside of normal business hours.

Once a disconnect order has been issued, the reconnection charge must be paid, regardless of whether or not service is disconnected. For each billing period the Public Works Department shall complete all disconnections for delinquent bills during that billing period. The Public Works Department shall not notify the owner or occupier that a disconnect order has been issued.

5.122 WATER DEPOSIT
A. A deposit in the following amounts shall be required and paid prior to said customer being connected with the City of Odessa Municipal Water System:

Residential: $30.00

Trailers, individually $30.00
Trailer Parks $30.00 for each trailer

Commercial and Industrial: Existing commercial and industrial users shall maintain the deposit currently held by the City if in compliance with all other ordinances. New commercial and industrial users shall deposit with the City a sum based upon an estimate by the City of two months average usage. When the amount of usage by said customer has been determined by the first six months of usage, the deposit required shall adjust to reflect a two-month average based on the actual six months usage. Any overage or shortage of the existing deposit shall be credited or added to the user's bill at the end of six months. Customers shall be allowed the option of posting a surety bond for the deposit amount, which shall guarantee to the City of Odessa the fill and faithful payment of the customer's obligations to the City of Odessa Municipal Utilities.

B. Any person, firm or corporation now connected with the City of Odessa Municipal Water System and having a deposit with the City, but who shall move to another address, shall be and hereby is required to make such additional deposit as required to satisfy the requirements of Subsection A.

C. No person, firm or corporation shall be connected with the City of Odessa Municipal Water System with out first paying said deposit to the City. Any person, firm or corporation who shall post a bond in lieu of cash for the municipal water deposit and who shall thereafter permit such bond to expire after shall be deemed to no longer have a deposit and upon failure to repost the bond or cash deposit within ten (10) days of written notice thereof (written notice shall be deemed sufficient if mailed in the regular course through the U.S. Postal Service, postage prepaid, to the customer's billing address) the municipal water service shall be discontinued.

5.123 WATER CHARGES

The charges for water provided by the City of Odessa, Missouri shall be as follows:

1. Residential users shall pay a minimum service charge of $22.60 per month plus $0.55 per 100 gallons or part thereof of actual water usage.
2. Commercial users shall pay a minimum service charge of $22.60 per month plus $0.55 per 100 gallons or part thereof of actual water usage.
3. Users located outside the City of Odessa shall pay a rate equivalent to 1.5 times the rate charged with the City for the equivalent type of use. (RSMo 250.190).
4. All bulk water sales shall be at the rate of $.25 per 22 gallons or any part thereof.

5.124 WATER METER INSTALLATION

The City of Odessa, Missouri shall bring water service to the next adjacent property line of any property to receive the same within the city limits then existing and shall install a water meter and box upon receipt of application and payment of the following fees:

¾" Water Tap	$2,000.00
1" Water Tap	$2,000.00
2" Water Tap	$2,000.00 minimum

The city shall provide all materials, regardless of installation size. An additional charge shall be incurred for rock boring, regardless of size of installation. A contractor's fee shall also be incurred on a 2" water tap. Any street opening required shall be separately permitted and charged according to the city policy on excavations. (reference Section 7.300)

5.125 WATER CONNECTION FEES

All new connections to the city's water lines shall be required to pay the following fees. Approval of the Public Works Director and the Chief Water Operator are also required. *[Ord. 2674 02-26-2007]*

Size	Fees
1" or smaller water tap	$3,000.00 (includes tap charge and meter set)
Over 1" through 2" water tap	$5,000.00 (includes tap charge and meter set)

Over 2" through 4" water tap or connection to main	$8,000.00 (tap charge) (plus material & equipment charges based on marketplace prices, plus potential contractor charges to make the tap)
6" water tap or connection to main	$10,000.00 (tap charge) (plus material & equipment charges based on marketplace prices, plus potential contractor charges to make the tap)
8" water tap or connection to main	$12,000.00 (tap charge) (plus material & equipment charges based on marketplace prices, plus potential contractor charges to make the tap)
10" water tap or connection to main	$14,000.00 (tap charge) (plus material & equipment charges based on marketplace prices, plus potential contractor charges to make the tap)
12" water tap or connection to main	$16,000.00 (tap charge) (plus material & equipment charges based on marketplace prices, plus potential contractor charges to make the tap)

5.125-1 WATER RE-CONNECTION TAPS

1. For a re-connection, initiated by the customer, of an existing water line when the structure is retained, improved or remodeled, and not replaced - $25.00.
2. All other re-connections will be considered as new taps and subject to the fees in section 5.125.
3. Approval of the Public Works Director and the Chief Water Operator are required. *[Ord. 2674 02-26-2007]*

5.126 WHEN CONSUMER MUST RUN OWN WATER LINE

Any person, firm or corporation desiring to connect with said Municipal waterworks system whose property within the city limits does not abut on any street or alley where a water line exists, or will exist after said system is fully constructed, may, in the discretion of the City of Odessa, Missouri, be required to run their own water line from said premises to a point to be designated by said city.

5.128 INSTALLATION OUTSIDE CITY LIMITS

An additional charge of $200.00 shall be made by said city for installing the connecting water line, size 5/8" X 3/4" meter and box outside city limits only. A larger meter and box will be extra according to the purchase cost.

5.130 SUPERVISION OF INSTALLATION

The installation of all water service connections shall be made by and under the supervision of such personnel of the City of Odessa, Missouri, for said purpose. No dual or interconnections by the water service users shall be, at any time, permitted.

5.132 PENALTY

Any person, firm or corporation found guilty of violating the provisions of sections 5.102 to 5.134 or any one of them, shall be fined not less than $10.00 and not more than $100.00.

5.134 APPLICATION TO LAKE

All ordinances of the city heretofore passed and now in force, and all ordinances to be passed hereafter, shall be construed to extend over and apply to the Lake and grounds and pipe line between said Lake and grounds and the city, of the waterworks impounding reservoir property, as fully as if said property were located within the corporate limits of said city, and as fully as though a provision were contained in said ordinances making them extend to and over and apply to said property.

5.136-1 WATER MAIN EXTENSIONS- SUPERINTENDENT OF UTILITIES

The Superintendent of Utilities is hereby authorized to execute contracts for water main extensions, which involve no refunds for connections thereto, as prescribed in sections 5.136-1 to 5.136-12.

5.136-2 WATER MAIN EXTENSIONS

<u>Sizes of mains, spacing of hydrants:</u>

Water main extensions shall include no main smaller then six (6) inches in size and hydrants shall be spaced according to the then existing design criteria of the Water Department; provided however, that the Superintendent of Utilities may require:

A. The use of smaller mains in area otherwise provided with fire protection;

B. The use of eight-inch mains in lieu of six-inch mains, if in his best judgement, the eight-inch main is necessary for the best interests of the city; or

C. The use of mains larger than eight (8) inches, in which case the city shall bear the difference between the estimated cost as determined by the Superintendent of Utilities of the larger main and an eight-inch main, unless the judgment of the Superintendent of Utilities, such larger main is required or needed by the applicant for such water main extension; or

D. The use of six-inch or larger mains in areas where existing mains need to be improved in order to improve fire protection and continuity of the water system, in which case the city shall bear the estimated cost as determined by the Superintendent of Utilities of the system improvement, unless in the judgment of the Superintendent of Utilities, such system improvement is required or needed by the applicant for the adjoining main extension. The main extension shall include as an integral part thereof such tap of outlet on the existing city-owned main as may be required to permit connection of the main extension to the existing system of the city.

5.136-3 WATER MAIN EXTENSIONS - MANNER OF CONSTRUCTION

All water main extensions shall be constructed by the applicant for the water main extension; provided, however, that the Superintendent of Utilities, in his discretion, and if in his judgment circumstances so warrant, may arrange for the extension to be constructed by the city, by contract awarded on the basis of competitive bids or by force account, using city employees and equipment owned or rented by the city or by any combination of such methods. The basis of charges for labor, materials or equipment for force account work done by the city shall be consistent with that used in the allocation of similar charges for other work done by the city.

5.136-4 WATER MAIN EXTENSIONS- CONSTRUCTION BY APPLICANT

A. Bond required. If the main extension is constructed by the applicant, the applicant or his agent, servant, employee, independent contractor, or such other persons, firm, partnership, corporation or association by whom such work is to be performed shall file with the water department a performance and maintenance bond in an amount equal to the estimated cost of the project, conditioned that such work will be done in accordance with the water department's standard specification and guaranteeing the work and maintenance of trenches for a period of three (3) years from the date of acceptance of the work.

B. Insurance required. Before commencing work upon said project, the applicant or his agent, servant, employee, independent contractor, or such other persons, firm, partnership, corporation or association by whom such work is to be performed shall also file with the water department a certificate of public liability insurance in favor of the city, conditioned to protect and save harmless the city from all claims for damage to property or injury to person by reason of such construction work; and indemnifying the city of account of such claims or injuries; the amount of said insurance to be approved by the water department.

5.136-5 WATER MAIN EXTENSIONS - PLANS AND FEES

Except for unusual circumstances, the preparation of detailed plans shall be prepared by a registered professional engineer engaged by the applicant. The Superintendent, for a water extension, shall make rules and regulations by which an applicant may accomplish the engineering design of water main extensions by a registered professional engineer in private employment. The contract for a water main extension to be accomplished in accordance with such rules and regulations shall include an inspection fee of four (4) percent of the estimated cost of an eight- inch or smaller water main extension, as determined by the director of the water department; unless in the judgment of the director of the water department a larger main and/or system improvement is required or needed by the applicant, in which

case the inspection fee shall be four (4) percent of the estimated cost of the larger main and/or system improvement; however, the minimum inspection fee shall be the sum of one hundred dollars ($100.00), this fee to be non-refundable charge covering the cost of supervision of construction, flushing, chlorination and other overhead costs of the city.

5.136-6 WATER MAIN EXTENSIONS - DESIGN BY WATER DEPARTMENT; FEES

If, because of special circumstances, the main extension should be designed by the water department rather than by the applicants engineer as provided in the preceding section, the applicant for the water main extension shall pay the water department, at the time of making application, a sum equal to five (5) percent of the estimated cost of an eight-inch or smaller water main extension, as determined by a preliminary study by the Superintendent of Utilities; provided, however, the minimum amount to be paid shall be the sum of one hundred dollars ($100.00), this amount to be a non-refundable charge to the applicant to cover the cost of design. After the plans and specifications for any water main extension have been prepared by the water department, the applicant for such extension shall enter into a contract for the construction of such extension and shall pay an additional fee to the city in the amount of fifteen (15) percent of the estimated cost of an eight-inch or smaller water main extension, less the amount paid with the application; unless in the judgment of the Superintendent of Utilities, in which case the applicant shall pay an additional fee to the city in the amount of fifteen (15) percent of the estimated cost of the larger main extension and/or system improvement, less the amount paid with the application. This additional fee shall be a non-refundable charge covering the engineering, design, supervision of construction, flushing, chlorination and other overhead costs of the city.

5.136-7 WATER MAIN EXTENSIONS- CONSTRUCTION OF EXTENSIONS BY WATER DEPARTMENT- COSTS

The applicant for any water main extension to be constructed by the city shall make a deposit with the city in an amount equal to the estimated cost of an eight-inch or smaller water main extension, and such estimated cost shall include all costs for materials, labor, transportation, equipment and other costs, but shall include no charge for engineering, administration and other overhead costs as defined above.

5.136-8 WATER MAIN EXTENSIONS- COSTS LESS THAN OR IN EXCESS OF DEPOSIT

When the actual cost of any water main extension is known, the city shall refund that part of the applicant's deposit that is in excess of the actual cost. In case the deposit is less than the actual cost, the Superintendent may require that the deficiency be made up by an additional deposit to be effected before any connection to the line is made by the applicant.

5.136-9 WATER MAIN EXTENSIONS- CONTROL AND OWNERSHIP OF EXTENSIONS

All water main extension contracts authorized by sections 5.136-1 to 5.136-12 shall stipulate that the water mains constructed by the applicant shall be the property of the city, and the control, operation and right of use thereof shall be vested wholly and exclusively in the city; and the applicant for such extension shall have no interest therein other than the right to make connections thereto in accordance with applicable rules and regulations of the water department.

5.136-10 WATER MAIN EXTENSIONS- EXECUTIONS AND CANCELLATION OF CONTRACTS

Each main extension contract shall stipulate that all construction and installation made in accordance with contracts authorized by the article shall be started within three (3) months and completed within twelve (12) months from the date of such contract, or the director may, at his option and upon giving written notice, cancel such contract; in which case any and all deposits shall be forfeited, and any portion of the work which had been completed shall become property of the city.

5.136-11 WATER MAIN EXTENSIONS - NON-ENTITLEMENT TO REFUNDS

Each main extension contract shall stipulate that the applicant shall be entitled to no refund at any time on account of original customers directly and permanently connected to any water main extension or on account of revenue collected from such customers.

5.136-12 WATER MAIN EXTENSIONS- CERTIFICATION BY CITY CLERK AS CONDITION TO

CERTAIN REIMBURSEMENT
Any contract entered into pursuant to these sections which may involve reimbursement to the applicant for mains larger than eight (8) inches in diameter and/or system improvement shall not be binding upon the City unless there is affixed thereon at the time of execution a certification by the City Clerk that sufficient funds are available to meet the obligation being incurred.

5.138-1 WATER MAIN RELOCATIONS - CONTRACTS AUTHORIZED, EXPENSE OF RELOCATION
The Superintendent of Utilities is hereby authorized to execute contracts for relocation of water mains as prescribed in sections 5.138-1 to 5.138-11. The entire expense or cost of relocating such water mains shall be borne by the applicant except as herein provided, where a larger main than the existing main is installed and/or a system improvement is constructed.

5.138-2 WATER MAIN RELOCATIONS - SIZE OF MAINS, SPACING OF HYDRANTS
Water main relocations shall include no mains smaller than the existing main, and hydrants shall be spaced according to the then existing design criteria of the water department; provided, however that the director of the water department may require:

(a). The use of smaller mains in areas otherwise provided with fire protection and water supply; and
(b). The use of larger mains in lieu of existing mains if, in his best judgment, the larger main is necessary for the best interests of the city, in which case the city shall bear the difference between the estimated cost as determined by the Superintendent of the water department of the larger main and the existing main, unless, in the judgment of the Superintendent of the water department, such larger main is required or needed by the applicant for such water main relocation; and
(c). The use of six-inch or larger mains in areas where existing mains need to be improved in order to improve fire protection and continuity of the water system, in which case the city shall bear the estimated cost as determined by the Superintendent of Utilities of the system improvement, unless in the judgment of the director of the water department, such system improvement is required or needed by the applicant for the adjoining main relocations.

5.138-3 WATER MAIN RELOCATIONS - MANNER OF CONSTRUCTION
All water main relocations may be constructed by the city by contract awarded on the basis of competitive bids or by force account, using city employees and equipment owned or rented by the city or by any combination of such methods; provided however, the Superintendent of Utilities, in his discretion may require any applicant for a water main extension to construct the same. The basis of charges for labor, materials or equipment for force account work shall be consistent with that used in the allocation of similar charges for other work done by the city.

5.138-4 WATER MAIN RELOCATIONS - CONSTRUCTION BY APPLICANT
(a). Bond required. If the main relocation is constructed by the applicant, rather than the city, the applicant or his agent, servant, employee, independent contractor or such other persons, firm, partnership, corporation or association by whom such work is to be performed shall file with the water department a performance and maintenance bond in an amount equal to the estimated cost of the project, conditioned that such work will be constructed and completed in accordance with the approved drawings and in accordance with the water department's standard specifications and guaranteeing the work and maintenance of trenches for a period of three (3) years from the date of acceptance of the work.
(b). Insurance Required. Before commencing work upon said project, the applicant or his agent, servant, employee, independent contractor or such other persons, firm, partnership, corporation or association by whom such work is to be performed shall also file with the water department a certificate of public liability insurance in factor of the city, conditioned to protect and save harmless the city from all claims for damages to property or injury to persons by reason of such construction work, and indemnifying the city on account of such claims or injuries, the amount of said insurance to be approved by the water department.

5.138-5 WATER MAIN RELOCATIONS FEES FOR ENGINEERING, ADMINISTRATION, OTHER

OVERHEAD

(a). Original fee. All applicants for water main relocations shall pay to the Water Department, at the time of making application, a sum equal to five (5) percent of the estimated cost of such other water main relocation, as determined by preliminary study by the Superintendent of Utilities; provided, however, the minimum amount to be paid shall be the sum of one hundred dollars ($100.00), this amount to be a non-refundable charge to the applicant to cover the cost of design.

(b). Additional fees. After the plans and specifications for any water main relocation have been prepared by the water department, the applicant for such relocation shall enter into a contract for the construction of such relocation and shall pay an additional fee to the city in the amount of fifteen (15) percent of the estimated cost of the relocation, less the amount paid with the application. This additional fee shall also be a non-refundable charge covering the engineering, design, supervision of construction, flushing, chlorination and other overhead costs of the city.

5.138-6 WATER MAIN RELOCATIONS - DEDUCTION OF FEES

The Superintendent shall make rules and regulations by which an applicant may accomplish the engineering design of water main relocations by a registered professional engineer in private employment. If the design for a water main relocation is accomplished in accordance with such rules and regulations the fees as stated in section 5.138-5 may be reduced to one fee of four (4) percent of the estimated cost of the relocation, as a non-refundable charge covering supervision of construction, flushing, chlorination and other overhead costs of the city.

5.138-7 WATER MAIN RELOCATIONS - DEPOSIT FOR MATERIAL, LABOR, EQUIPMENT, SIMILAR COSTS

The applicant for any water main relocation to be constructed by the city shall make a deposit with the city in an amount equal to the estimated cost of such relocation, and such estimated cost shall include all costs for materials, labor, transportation, equipment and other costs but shall include no charge for engineering, administration and other overhead costs, as defined in sections, 5.138-5 and 5.138-6.

5.138-8 WATER MAIN RELOCATIONS - COST LESS THAN OR IN EXCESS OF DEPOSIT

When the actual cost of any water main relocation is known, the city shall refund that part of the applicant's deposit that is in excess of the actual cost. In case the deposit is less than the actual cost, the Superintendent may require that the deficiency be made up by an additional fee to be effected before any connection to the line is made by the applicant.

5.138-9 WATER MAIN RELOCATIONS - CERTIFICATION BY CITY CLERK AS CONDITION TO CERTAIN REIMBURSEMENT

Any contract entered into pursuant to sections 5.138-1 to 5.138-11 which may involve reimbursement to the applicant for mains larger than existing mains unless there is affixed thereon at the time of execution a certification by the city clerk that sufficient funds are available to meet the obligation being incurred.

5.138-10 WATER MAIN RELOCATIONS - OWNERSHIP, CONTROL OR RELOCATIONS

All water main relocations made in accordance with contracts authorized by sections 5.138-1 to 5.138-11 shall be the property of the city, and the control, operation and right of use thereof shall be vested wholly and exclusively in the city; and the applicant for such relocation shall have no interest therein other than the right to make connections thereto in accordance with applicable rules and regulations and shall have no right to any refund whatsoever.

5.138-11 WATER MAIN RELOCATIONS - CERTIFICATION OF COSTS, PAYMENT THEREOF, PREREQUISITES TO CONNECTIONS

For any and all contracts authorized by sections 5.138-1 to 5.138-11 the city may, at its option, refuse to permit service connections until the applicant has furnished a certified statement of the actual construction costs and has certified that all bills and claims relating to the project have been paid. The city may prohibit connections to the system while there is any claim against the applicant for unpaid bills or other obligations arising out of the installation of the water main relocation; provided however, that if the applicant indemnifies the city to its satisfaction against the disputed claims, this provision may be

waived.

5.140-1 WATER SERVICES - DEFINITIONS
A water service is the piping installed from the water main to that portion of the interior piping which is regulated by the Uniform Plumbing Code.

5.140-2 WATER SERVICES - CLASSIFICATION
Water service piping is classified into two categories: tap service piping and branch service piping. The components of tap service piping are a corporation cock, copper, meter setter, meter pit, lid and a meter. The components of branch service piping are a tapping sleeve and valve, a valve box, complete with valves. Branch service piping may be for domestic water service or private fire protection service. When branch service piping is used for private fire protection, it may be tapped for domestic service in accordance with regulations herein stipulated.

5.140-3 WATER SERVICES - GENERAL INSTALLATION REQUIREMENTS
All service lines shall conform to the following requirements:

(a). Service connections are to be made at the property to be served as located by the Water Department.
(b). Service lines are to run perpendicular to the main.
(c). No other pipes or conduits will be permitted in the same trench with the service line.
(d). No service line shall be installed closer than ten (10) feet horizontally or one (1) foot vertically from a sewer.
(e). Service lines shall have a cover of not less than three (3) feet.
(f). No service line will be less than 3/4" in diameter.

5.140-4 WATER SERVICES - INSTALLATION REQUIREMENTS FOR TAP SERVICE
All tap service lines shall conform to the following requirements:

(a). All tap service piping shall conform to the latest Federal specifications for Type K flexible copper tubing.
(b). The connection of the tap service line to the corporation cock shall be made by means of a flared fitting.
(c). No union shall be permitted between the corporation cock and meter where the distance is less than 60 feet.
(d). No sweat joints will be permitted on any portion of the service line.
(e). Each tap service line shall be fitted with a stop and waste valve immediately on entering a building. Where the meter is set indoors this valve may be part of the meter set. Stop and waste valve shall be in accordance with the current water department specifications.

5.140-5 WATER SERVICES - PARTIAL SERVICES
When service piping is installed for future use, it shall be installed as far as the meter and the meter will be locked. A tap fee is required before extension of line is permitted.

5.140-6 WATER SERVICES - MULTIPLE SERVICES
A multiple service is a service having one connection to the main and branching on public property before entrance to a single building. Multiple service piping must meet the following requirements:
(a). Each branch shall have a separate meter.
(b). Each branch shall require a separate tapping fee.

5.140-7 WATER SERVICES - MAINTENANCE OF SERVICES
The water department shall maintain all service lines from the main to, and including, the first valve but not the house side connection thereto, On tap service piping, the first valve is the meter yoke valve.

5.140-8 WATER SERVICES - ABANDONMENT OF SERVICES - GENERAL

Services may be disconnected at the main under the provisions of this Subchapter. In addition to these provisions, it will be required that services be disconnected at the main in the event of building demolition or alteration. Abandonment of services shall be performed by the water department.

(a). On tap service connections, the corporation cock shall be uncovered, the service line disconnected and the corporation cock turned off.
(b). On branch service connections, the abandonment shall be performed in a manner specified by the Superintendent.

5.140-9 WATER SERVICES - ABANDONMENT OF SERVICES FOR BUILDING DEMOLITION
When a building is to be razed, all unnecessary services to the premises shall be abandoned in accordance with the following:

(a). The Water Department shall be responsible for the excavating and backfilling of all holes and repair of street cuts.
(b). On tap service the water department shall perform the work of turning off the corporation cock and removing the meter tile and lid.

5.140-10 WATER SERVICES - ABANDONMENT OF SERVICES FOR BUILDING ALTERATIONS
When a building is to be altered so that all existing services to the premises must be abandoned and a new service installed, the abandonment shall be considered the same as the abandonment for building demolition. When a building is altered so that some services are abandoned and one or more services remain to supply the altered building, the water department, upon notification, will abandon the services and bear the expense of abandonment.

5.140-11 WATER SERVICES - RECONNECTION OF SERVICES
Where the corporation cock has been cut off, a new service line permit and tapping fee will be required.

5.142-1 TAPPING - CLASSIFICATION OF TAPS
Taps are classified as corporation of taps and branch taps:

(a). A corporation tap is cutting of threads directly on the wall of the water main and the insertion of a corporation cock.
(b). A branch tap is a connection to the main made by employing a tapping valve and sleeve or saddle. A tee and valve shall also be considered a branch service tap.

5.142-2 TAPPING - GENERAL REQUIREMENTS FOR TAPS
All taps shall be subject to the following requirements:

(a). Tapping shall be performed by water department personnel only.
(b). Taps shall be made on the side of the main nearest the premises.
(c). The responsibility for excavation and protection of same shall rest on the water department personnel.

5.142-3 TAPPING - REQUIREMENTS FOR CORPORATION TAPS
Corporation taps shall be subject to the following requirements:

(a). No corporation taps shall be larger than one inch in diameter.
(b). Corporation taps shall be made so that the corporation cock is inserted at approximately 45 degrees on the top quadrant of the main.
(c). If corporation taps cannot be made in accordance with paragraph (b) above because of obstructions or conditions which cannot be changed, the manner in which the tap is to be made will be determined by the Superintendent.
(d). A corporation tap shall not be closer than eighteen (18) inches to a bell spigot, another tap, valve or blow-off.

5.142-4 TAPPING - REQUESTS FOR TAPS
The plumber shall notify the water department in sufficient time to schedule his tap.

5.144-1 METER SETS - DEFINITIONS
A meter set in an assembly connected in the service line which consists of a meter, meter yoke, meter box and lid, valves and a by-pass where specified and receptacles where necessary.

5.144-2 METER SETS - CLASSIFICATION
All meter sets shall conform to the following requirements:

(a). All meters shall be set in an approved non-hazardous place and accessibility shall be maintained at all times.
(b). All meters shall be set in a horizontal position.
(c). The size of the meter shall never be larger than the service line in which it is installed.
(d). No meter shall contain a meter larger than a 6-inch size. When a service requires a meter larger than 6-inch size small meters assembled in a manifold shall be installed, as illustrated in Drawing #W106 of the appendix. The size of meters in the manifold will be determined by the Superintendent.
(e). Meter sets for meters 3-inch and larger shall require a by-pass with sealed by-pass valve, except where such meters, in sufficient number are assembled in a manifold. The Superintendent reserves the right to require a by-pass on unusual services smaller than 3-inches.
(f). Meter sets for 2-inch and larger will require a flexible coupling installed on the house side of the meter between the meter and isolating valve. Flexible couplings shall be in accordance with water department specifications.
(g). The water department shall install meters and charges shall be made in accordance with this Subchapter.

5.144-3 INDOOR METER SETS - SMALL METERS
All meter sets for meters less than 1 1/2-inch shall conform to the following requirements:

(a). No meter set shall be permitted inside a building unless a floor drain is provided within twenty feet of the meter.
(b). Meters shall not be set higher than four (4) feet to center of connection above the floor.
(c). Meters shall not be installed in recreation rooms, not be concealed and obstructed by items, cabinets, benches or other built-in fixtures.
(d). Indoor meter sets shall be made as near as possible to the point where the service line enters the building.
(e). An indoor meter set for meters one inch and smaller shall be installed with a meter yoke.
(f). Meters shall not be installed in a place of business without the permission of the Superintendent.
(g). All residential meters installed with approved remote registers.

5.144-4 INDOOR METER SETS - LARGE METERS
Meters 1 1/2 inch and larger will be permitted to be set indoors only under the following conditions:

(a). When large meters are placed indoors permission must be obtained from the Superintendent.
(b). A clear access way to the meter set shall be maintained at all times.
(c). Meter set shall be made in such a locality that reading and changing the meter shall in no way interfere with the customer's normal course of business.
(d). Meter sets shall be made in accordance with the same arrangement for meter pit installations or as proposed by the application and approved by the water department.

5.144-5 OUTDOOR METER SETS - SMALL METERS
All outdoor meter sets for meters one inch and smaller shall conform to the following requirements:

(a). Meter sets shall be placed on city property opposite the tap connection at such a location as to

prevent an accumulation of water within the tile.
(b). Meters shall be set in a tile or pit.
(c). Maintenance and testing of meters will be performed by the water department. All meter tiles and pits are the property of the water department and shall be maintained by the department.

5.144-6 OUTDOOR METER SETS - LARGE METERS
All outdoor meter sets for 1 1/2-inch and larger shall conform to the following requirements:
(a). Meter sets may be placed on public property or private property.
(b). When outdoor meters are placed on private property they must be in a location near a driveway or turnout and be accessible to water department vehicles. Location of meter shall be such that water department personnel cannot damage lawn, shrubs, or other property nor interfere with the consumer's normal course of business nor be a hazard to consumer's and department's personnel.

(d). Meters 3 inches and larger in size and shall be provided with a by-pass connection with a sealed valve and set in a pit.

5.144-7 METER SETS - FURNISHED BY
All meters one inch and smaller will be furnished by the water department and shall remain city property. Meters 1 1/2 inch and larger are available for sale by the water department. The price charged for meters and setting will be the water department cost. Customers using meters 1 1/2-inch and larger may furnish them provided they comply with the water department and specifications and they are tested by the water department before placing them in service. The cost of testing a customer-furnished meter shall be borne by the customer.

5.144-8 METER SETS FOR SERVING OTHER WATER UTILITIES
When meters are set for serving other water utilities, they shall conform to all the requirements herein set forth. In addition, they shall include a check valve installed on the consumer side of the meter.

5.144-9 METER SETS - CHANGING OUT OF METERS
The changing out of meters shall occur during the normal working hours of the water department. In the event that this procedure inconveniences a customer, he may request that his meter be changed after normal working hours; however, he will be required to bear the cost of this service.

5.144-10 METER SETS - REQUEST FOR METER BY-PASSES
Where a customer on a commercial rate desires a valved by-pass around an existing meter, he may request permission for a by-pass from the Superintendent. The request shall be made in writing and shall clearly state the reason for need of such a connection.

5.144-11 METER SETS - CHARGES FOR EXCHANGE OF METERS
Whenever it is necessary to exchange an existing meter for one of different size, the authorization for such action will be given by the Superintendent. Charges for exchanging meters shall be made as follows:

(a). All costs shall be borne by the party making the request.
(b). All meter exchanges shall require a charge for the exchange consisting of the cost of testing the existing meter.
(c). When it is necessary to modify the existing meter set to accommodate a different size meter, such work shall be done by the water department and cost shall be borne by the customer.

5.146 INTERPRETATION OF WATER DEPARTMENT REGULATIONS
The water department will be the sole interpreter of the water department regulations. Questions for interpretation shall be submitted to the water department.

5.148 REQUEST FOR INFORMATION
The water department will dispense information pertinent to the location of water mains and service in

accordance with its records. This is a public service, and the water department will not honor any claims for damages sustained by the recipient of such information.

5.150 DAMAGE TO WATER DEPARTMENT PROPERTY

Plumbers engaged in repairing services are cautioned to exercise care to that portion of the service over which the water department has jurisdiction as herein set forth. Whenever the aforementioned section of water service line is damaged by a plumber so that it is necessary for the water department to make repairs, he shall be held liable for the cost of such repair and permits shall be denied to him until such costs are paid. The plumber shall be held responsible under the following circumstances:

(a). On all main to curb service lines where it can be shown that the damage is caused by carelessness, neglect, improper use of tools or any practice not in accordance with the standards of the trade, or any practice in violation of water department regulations.
(b). On all copper main to curb service line regardless of whether damage is accidental or caused by carelessness, neglect, etc.
(c). On all main to curb service lines where the water department employees must work on an overtime basis to repair the line.

Whenever a main to meter service becomes broken or damaged to the extent that it needs repair, the plumber is instructed to call the water department and inform them of this need.

5.152 UNAUTHORIZED USE OF WATER OR FACILITIES

No person shall use water from any part of the waterworks system without authority from the water department or shall restore service from any water service or from any fire hydrant when the service there from has been discontinued by the water department and no person, except a licensed master plumber as defined by the city plumbing code in a property exercise of authority granted by the rules and regulations described in this Subchapter shall cause water to be turned on or off from any water service or fire hydrant or any other part of the waterworks system. This shall not apply to the use of fire hydrants by the employees of the fire department and other city departments in the proper exercise of their duties.

SUBCHAPTER C – SEWER

5.202 SEWER SERVICE CHARGES

The charges for sewer service provided by the City of Odessa, Missouri shall be as follows:

1. Residential users shall pay a minimum service charge of $35.85 per month plus $0.295 per 100 gallons or part thereof of actual water usage.
2. Commercial users shall pay a minimum service charge of $35.85 per month plus $0.295 per 100 gallons or part thereof of actual water usage.
3. Users located outside the City of Odessa shall pay a rate equivalent to 1.5 times the rate charged within the City for the equivalent type of use. (RSMo 250.190). *[Ord. 2812 03-14-2011]*

5.204 RESPONSIBILITY FOR PAYMENT

The firm, person or corporation having and maintaining a water meter shall be responsible for the payment of said sewer service charge, and if more than one family unit is getting water from and through another's water meter, the person in whose name said water meter is registered shall be responsible for the payment due said City of the additional sewer service charge upon said additional family unit so receiving its water.

5.206 SERVICES NOT RENDERED FREE

No sewerage services shall be furnished or rendered free of charge to any person, firm or corporation.

5.207 SEWER DEPOSIT

A. A deposit in the following amounts shall be required and paid prior to said customer being connected with the City of Odessa Municipal Sewer System:

Residential:	$10.00
Trailers, individually	$10.00
Trailer Parks	$10.00 for each trailer

Commercial and Industrial: Existing commercial and industrial users shall maintain the deposit currently held by the City if in compliance with all other ordinances. New commercial and industrial users shall deposit with the City a sum based upon an estimate by the City of two months average usage. When the amount of usage by said customer has been determined by the first six months of usage, the deposit required shall adjust to reflect a two-month average based on the actual six months usage. Any overage or shortage of the existing deposit shall be credited or added to the user's bill at the end of six months. Customers shall be allowed the option of posting a surety bond for the deposit amount, which shall guarantee to the City of Odessa the fill and faithful payment of the customer's obligations to the City of Odessa Municipal Utilities.

B. Any person, firm or corporation now connected with the City of Odessa Municipal Sewer System and having a deposit with the City, but who shall move to another address, shall be and hereby is required to make such additional deposit as required to satisfy the requirements of Subsection A.

C. No person, firm or corporation shall be connected with the City of Odessa Municipal Sewer System with out first paying said deposit to the City. Any person, firm or corporation who shall post a bond in lieu of cash for the municipal water deposit and who shall thereafter permit such bond to expire after shall be deemed to no longer have a deposit and upon failure to repost the bond or cash deposit within ten (10) days of written notice thereof (written notice shall be deemed sufficient if mailed in the regular course through the U.S. Postal Service, postage prepaid, to the customer's billing address) the municipal sewer service shall be discontinued.

5.208 PAYMENTS, LATE PAYMENTS, DISCONNECTIONS

All charges for utility service in accordance with the rates herein established shall be paid by the customer and user of said utility service by the tenth day of the month following that in which the service was furnished, and if not paid by that time, such customer shall pay an additional five percent (5%), to be charged on his bill for failure to promptly pay the same in accordance with the terms and provisions

hereof. The above late charges shall be deposited into the sewer fund.

If the charges for any residential utility service(s) are not paid by the first business day following the 15th day of the month after said service has been furnished, all such services shall be disconnected, regardless of the amount of the deposit with the City of Odessa.

If the charges for any commercial or industrial utility service(s) are not paid by the first business day following the 15th day of the month after said service has been furnished, all such service may, at the City's sole option, be disconnected, regardless of the amount of deposit with the City of Odessa.

There is hereby established a charge of $50.00 for the reconnection of any or all city utility services during normal business hours, and a $100.00 charge for such reconnection outside of normal business hours.

Once a disconnect order has been issued, the reconnection charge must be paid, regardless of whether or not service is disconnected. For each billing period the Public Works Department shall complete all disconnections for delinquent bills during that billing period. The Public Works Department shall not notify the owner or occupier that a disconnect order has been issued.

5.210 NOTICE OF DELINQUENT PAYMENTS

It shall be the duty of the City Clerk to notify the Board of Aldermen at its first meeting each month of all delinquencies in the payment of said sewage service charged him set out.

5.212 DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this subchapter shall be as follows:

1. ***"BOD"*** (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degree C, expressed in milligrams per liter.

2. ***"Building Drain"*** shall mean that part of the lowest horizontal piping of a drainage system which received the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

3. ***"Building Sewer"*** shall mean the extension from the building drain to the public sewer or other place of disposal.

4. ***"Combined Sewer"*** shall mean a sewer receiving both surface runoff and sewage.

5. ***"Garbage"*** shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

6. ***"Industrial Wastes"*** shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

7. ***"Natural Outlet"*** shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

8. ***"Person"*** shall mean any individual, firm, company, association, society, corporation or group.

9. ***"PH"*** shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

10. ***"Properly Shredded Garbage"*** shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half (1/2) inch (1.27 centimeters) in any dimension.

11. ***"Public Sewer"*** shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

12. ***"Sanitary Sewer"*** shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

13. ***"Sewage"*** shall mean a combination of the water-carried wastes from residences, business building, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

14. ***"Sewage Treatment Plant"*** shall mean any arrangement of devices and structures used for treating sewage.

15. ***"Sewage Works"*** shall mean all facilities for collecting, pumping, treating and disposing of sewage.

16. ***"Sewage"*** shall mean a pipe of conduit for carrying sewage.

17. ***"Shall"*** is mandatory; "May" is permissive.

18. ***"Slug"*** shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

19. ***"Storm Drain"*** (sometimes termed "storm sewer") shall mean a sewer which carried storm and surface waters and drainage, but excludes sewage and industrial wastes, other then unpolluted cooling water.

20. ***"Superintendent"*** shall mean the Superintendent of Sewage Works and/or of Water Pollution Control of the City of Odessa, or his authorized deputy, agent or representative.

21. ***"Suspended Solids"*** shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

22. ***"Watercourse"*** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

5.214 USE OF PUBLIC SEWERS REQUIRED

1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Odessa, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

2. It shall be unlawful to discharge to any natural outlet within the City of Odessa, or in any area under the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Subchapter.

3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

4. The owner of all houses, building, or properties used for human occupancy, employment, recreation, or other purposes situated in 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 of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Subchapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

5.216 PRIVATE SEWAGE DISPOSAL

1. Where a public sanitary is not available under the provisions of section 5.214(4) the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee of $20.00 shall be paid to the city at the time the application is filed.

3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Superintendent.

4. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Missouri Division of Health. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

5. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in section 5.214(4), a direct connection shall be made to the public sewer in compliance with this Subchapter and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

7. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

8. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank- run gravel or dirt.

5.218 BUILDING SEWERS AND CONNECTIONS

1. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

2. There shall be two classes of building sewer permits:

   a. Residential and
   b. Commercial including service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a 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 superintendent. A permit and inspection fee of $5.00 shall be paid to the city in the form of a deposit at the time the application is filed. In additions, where the city is to make a street opening in connection with sewer construction, or sewer maintenance an additional fee of $40.00 on all permanent streets shall be paid to the city prior to the city making the street opening. Payment on all other streets will consist of only the $5.00 inspection fee. Said permit and inspection fee and street opening fee shall be retained in their entirety by the city, and no refund shall be given upon construction or approval of the sewer connection by the city. The aforesaid fees shall not be charged to public utilities which have separate agreements with the city regarding sewers, inspection thereof and street openings in connection with sewer construction, sewer connection or sewer maintenance.

3. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this section.

6. Sewer Pipe, Size and Type: Size and type of sanitary sewer lines of sewer drain carrying the domestic waste of sewage from the foundation and extending to the lateral or main sanitary sewer to which the connection is to be made shall be given below:

a. This connection shall be of a material identified in section c. The inside diameter of all such pipe shall not be less than 4".

b. All clay pipes used shall be salt glazed vitrified clay sewer pipe conforming to the latest specification for "Standard Strength" clay pipes, Designation C-13, of the American Society for Testing Materials, or where extra strength pipe is specified or required, the latest specifications for "Extra Strength" clay pipe, Designation C-200, or the pipe shall be of extra heavy pattern cast iron soil pipe.

c. In addition to cast iron soil pipe and vitrified clay sewer pipe, sanitary sewer lines, mains and/or laterals for the city sewer system, may be constructed of "slip joint" or "bell ring", polyvinyl chloride pipe and coupling joints, as follows:

(I) “Four inch diameter pipe shall be schedule 40 pipe”

(II) “Six inch diameter pipe may be schedule 40 PVC or SDR 35 pipe”

(III) Eight-inch diameter pipe shall have a wall thickness of at least two hundred millimeters;

(IV) Ten inch diameter pipe shall have a wall thickness of at least two hundred fifty-five millimeters; and

(V) Twelve inch diameter pipe shall have a wall thickness of at least three hundred five millimeters, or the equivalent, or more as the Superintendent shall deem necessary and proper for the intended use of such sewer main and/or lateral.

7. Alignment and Grade: All service lines shall be laid to a straight line and at a grade of not less than 1/4 inch per foot. Any deviation in alignment or grade of 20% or more shall require special fittings.

8. Pipe Joints: ASTM DESIGNATION: C425-60 and additions or corrections thereto shall apply. Cast iron

pipe joints, shall be firmly packed with oakum or hemp and filled with molten lead not less than one inch deep. Lead shall be run in one pouring and caulked tight. Reasonable care shall be exercised in making all joints either for cast iron or clay pipe.

9. Sewer To Be Kept Clean During Construction: All service lines must be kept thoroughly clean and free from any material which might obstruct the free flow of sewage. All service lines shall be plugged at night and until final connection to the house plumbing system is made.

10. Trench Excavation: Immediately prior to installing the pipe, the trench bottom shall be accurately shaped and graded by hand and bell holes excavated so that the pipe will be continuous and have uniform contact with a longitudinal bearing on undisturbed earth along its entire barrel length. Bell holes shall be excavated by the pipe layer immediately prior to laying the pipe and shall be of such depth that the pipe bell does not come in contact with the bottom of the bell hole. All sewer pipe shall be laid with the bell end upgrade. Where the floor of the trench at proper grade is of hard or rock material, the floor shall be excavated four inches or more below grade and back-filled with fine gravel, or material approved by the City Inspector or his representative. Where the floor of the trench at the proper grade is of unstable material the same treatment as described above will be done.

11. Trench Backfill: All sewer pipe shall have adequate bottom and lateral support by thoroughly, carefully and adequately tamping and ramming suitable and proper backfill material beneath, around and to the top of the pipe between bell holes and sewer joints exposed. All material used for pipe embedment and tamped backfills shall be free of stones, sticks, large clods or lumps of earth, debris, etc. When backfill is made in and across roadway ditches or other watercourse, it shall be protected from surface erosion by adequate means. Plumber will backfill with dirt or gravel and tamp by hand to a depth of six inches over pipe. Remainder of trench to be backfilled with gravel. All excess dirt will be removed by plumber as soon as possible and before permit is approved by the City Inspector.

12. Water Course Crossings: No sewer connection shall be laid so that it is exposed when crossing any stream, drain or water course. Where an old watercourse of necessity must be crossed and where there is any danger of undermining or settlement, ductile iron pipe shall be required for such crossings. Such encasement shall extend at least six inches on all sides of the pipe. This ductile iron pipe shall rest on firm, solid material at either end.

13. Other Drainage: It shall be unlawful for any person, firm or corporation to connect any septic tank laterals, down spouts, gutters, eve drains, cisterns, into any lateral or main sewer of the City, either directly or indirectly; neither shall any such connection be made with the sanitary sewer system of any residence, business or other structure which discharges into the City sewer main. Only one structure, store or residence shall be eligible for service through this service connection unless a specific permit therefore is granted.

14. No connection for any residence, business or other structure with any sanitary sewer of the City of Odessa, shall be made until and unless the basement floor is poured, or in the case of a slab or crawl space house, the ground floor is installed and the area adjacent to the foundation of such building is cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured or the first floor installed in non-basement houses, the sewer shall be plugged and the plug shall be sealed by the City Inspector or his authorized representative. Any accumulation of water in an excavation or basement, during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

15. Backfill: Backfilling around foundation walls must be tight and shall be maintained at an elevation at the wall line not less than six inches above the finished grade of the yard at a line five feet out from the wall line.

16. Each downspout or roof drain shall be provided with an elbow fitting permanently attached to its lower

end which shall discharge on to a precast reinforced concrete splash-block or through a leader pipe of the same diameter extending not less than three feet into the yard.

17. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

18. No person shall make connection of roof downspouts, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

19. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

20. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

21. License Required, Issuance of Permits: No person shall engage in the business of plumbing in the City of Odessa unless licensed as a master plumber under the provisions relating to plumbers and plumbing in the City of Odessa. No plumbing work, unless excepted in this section, shall be undertaken prior to the issuance of a permit therefor by the City Clerk. A permit shall be issued to a licensed master plumber or his agent.

22. All excavations for building sewer installation 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.

5.219 SEWER CONNECTION FEES

All new connections to the city's sewer lines shall be required to pay the following fees. Approval of the Public Works Director and the Chief Water Operator are also required. *[Ord. 2675 02-26-2007]*

PER SINGLE REGULAR CONNECTION TO SEWER SYSTEM	
Size	Fees
4" sewer lateral connection (typical residential connection to sewer main)	$2,000.00
6" sewer connection	$4,500.00
8" sewer connection	$6,500.00
10" sewer connection	$10,000.00
12" sewer connection	$12,000.00
14" sewer connection	$14,000.00
16" sewer connection	$16,000.00
All of the above regular connections will be installed gravity flow.	

PER SINGLE FORCE MAIN CONNECTION TO SEWER SYSTEM	
Size	Fees

2" force main connection with grinder pump (usually a residential connection required by elevation)	$2,000.00
4" force main connection	$6,500.00
6" force main connection	$10,000.00
8" force main connection	$12,000.00
10" force main connection	$14,000.00

5.219-1 SEWER RE-CONNECTION TAPS

1. For a re-connection, initiated by the customer, of an existing sewer line when the structure is retained, improved or remodeled, and not replaced - $25.00.
2. All other re-connections will be considered as new connections and subject to the fees in section 5.219.
3. Approval of the Public Works Director and the Chief Water Operator are required. *[Ord. 2675 02-26-2007]*

5.220 USE OF THE PUBLIC SEWERS

1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a). Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

(b). Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/1 as CN in the wastes as discharged to the public sewer.

(c). Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(d). Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups milk containers, etc. either whole or ground by garbage grinders.

(e). Any waters or wastes having:

(1) A 5-day bio-chemical oxygen demand greater than 300 parts per million by weight, or

(2) Containing more than 350 parts per million by weight of suspended solids, or

(3) Having an average daily flow greater than 2 percent of the average sewage flow of the City, shall be subject to the review of the Superintendent.

Where necessary in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:

(1) Reduce the bio-chemical oxygen demand to 300 parts per million by weight, or

(2) Reduce the suspended solids to 350 parts per million by weight, or

(3) Control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

4. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors.

The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than 150 degrees F. (65 degree C.);

(b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not in excess of one hundred mg/1 or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees F. (0 and 65 degree C.);

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent;

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;

(e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials;

(f) Any waters or wastes containing phenols or other taste or odor producing substance, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters;

(g) Any radioactive wastes or isotopes of such half-life of concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations;

(h) Any waters or wastes having a pH in excess of 9.5;

(i) Materials which exert of cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as but not limited to, sodium chloride and sodium sulfate);

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;

(4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection 4 of this section, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to live or constitute a public nuisance, the Superintendent may:

(a) Reject the waste;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge; and/or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of subsection 10 of this section.

If the Superintendent permits the pretreatment of equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

6. Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

8. When required by the superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

9. All measurements, test, and analyses of the characteristic of waters and wastes to which reference is made in this subchapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Waters and Wastewaters," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four hour composite of all out falls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pHs are determined from periodic grab samples.)

10. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefore, by the industrial concern.

5.222 PROTECTION FROM DAMAGE

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

5.224 POWERS AND AUTHORITY OF INSPECTORS

1. The superintendent and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this subchapter. The superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

2. While performing the necessary work on private properties referred to in subsection 1 above, the Superintendent 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 as required in section 5.220(8).

3. The superintendent 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 easements for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

4. All designated permanent street pavement will be sawed when making sewer tap. At all times while any work is under construction within city limits, applicant will display applicable warning signs, barricades, lights and cones.

5.226 PENALTIES

1. Any person found to be violating any provision of this Subchapter except section 5.222 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.

2. Any person who shall continue any violation beyond the time limit provided for in subsection 1 shall, upon conviction thereof, be fined in the amount not exceeding $100.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

3. Any person violating any of the provisions of this Subchapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

SUBCHAPTER D – ELECTRIC

5.300 TYPE OF SERVICE

The following shall be the types of services available for the electric customers of the City of Odessa, Missouri:

A. Residential:

1. Availability: This schedule is available to any residential customer at points on the City Light and Power Company's existing secondary distribution lines within the area served by the City Light and Power.

2. Character of Service: Alternating current, 60 cycles, 120/240 volt single-phase, or where available and at the option of the City Light and Power 120/240 volt three-phase, four wire delta, or 120/208 volt three-phase, four wire wye.

3. Application: To single-phase or three-phase service for all domestic uses in private residences, in individual family apartments, or on farms supplied by individual meters, where the City Light and Power is the sole source of supply; to mobile home parks where the consumption is by individual family mobile homes even thought the entire park may be metered by the City through a single master meter. Not applicable for service to rooming or boarding homes, motels, hotels or other commercial establishments. Service is for the exclusive use of the customer and shall not be resold or shared with others, except mobile home parks as provided for in 5.306 of the Code of Ordinances.

B. Commercial:

1. Availability: This schedule is available to any commercial customer at points on the City Light and Power Company's existing secondary distribution lines with the area served by the City Light and Power. The nameplate rating of any individual motor shall not exceed 5 HP and the combined nameplate rating of all motors, excluding fractional horsepower motors shall not exceed 10 HP unless otherwise approved by the City of Odessa.

2. Character of Service: Alternating current, 60 cycles, 120/240 volt single-phase, or where available and at the option of the City Light and Power 120/240 volt three-phase, four wire delta, or 120/208 volt three-phase, four wire wye.

3. Application: To single-phase or three-phase service for all commercial uses in commercial establishments, where the City Light and Power is the sole source of supply.

4. Payment: Bills are rendered monthly on the 1st and are due and payable by the 10th. The rate is net, subject to the current sales tax rate for the City of Odessa, Missouri.

5. Special Rule: Apartment houses, rooming houses and property rented to transients shall be on commercial rates unless separate meters are provided for each apartment or tenant. There shall be a service charge of $2.00 per trip per meter for all meter readings in addition to the monthly reading charges to and assessed against the property owner.

C. Industrial:

1. Availability: This schedule is available to any industrial customer at points on the City Light and Power Company's existing distribution lines within the area served by the City Light and Power.

2. Character of Service: Alternating current, 60 cycle, 208 volt, 240 volt, 480 volt or 4160 volt, three-phase for power loads, and 120/208 volts or 120/240 volts, single-phase for lighting and incidental loads. If an industrial customer consumes less than 10 kilowatts per month of Demand Charges for a period of three consecutive months that customer may be considered a commercial customer.

3. Application: To single-phase or three-phase services for all industrial uses in industrial establishments, where the City Light and Power is the sole source of supply.

4. Payment: Bills are rendered monthly on the 1st and are due and payable by the 10th. The rate is net, subject to the current sales tax rate for the City of Odessa, Missouri.

D. Demand Primary Metered General Service:

1. Availability: This schedule is available to any three-phase service customer provided that the customer's billing demand is greater than 100 kW or an aggregate billing demand of all of the customer's meters are greater than 100 kW. A separate application, inspection and approval process must be completed before any customer could qualify for this rate.

2. Character of Service: Alternating current, 60 cycle, 208 volt, 240 volt, 480 volt or 4160 volt, three-phase for power loads, and 120/208 volts or 120/240 volts, single-phase for lighting and incidental loads.

3. Application: To single-phase or three-phase services in establishment where the City Light and Power is the sole source of supply.

4. Payment: Bills are rendered monthly on the 1st and are due and payable by the 10th. The rate is net, subject to the current sales tax rate for the City of Odessa, Missouri.

E. Construction:

1. Availability: This schedule is also known as "saw service" and is available during construction and will terminate upon occupancy of the residence or building. Rates shall be at residential rates

2. Bills are rendered monthly on the 1st and are due and payable by the 10th.

F. Area Lights:

1. Charge: All area lights shall be at the rate of $7.00 per light, per month.

5.301 DEPOSITS REQUIRED

A. A deposit in the following amounts shall be required and paid prior to any customer being connected with the City of Odessa Municipal Power and Light system:

Residential: $125.00

Trailers, individually owned and occupied: $125.00

Trailer parks: Based on one month's potential use

Commercial/Industrial/Demand Primary Metered General Service: Existing businesses shall maintain the deposit currently held by the City if in compliance with all other ordinances. New commercial businesses shall deposit with the City a sum based upon an estimate by the electrical inspector of two month's average usage. When the amount of usage by said commercial user has been determined for the first six months of usage, the deposit required shall be adjusted to reflect a two-month average based upon the actual six-month's usage. Any overage or shortage of the existing deposit shall be credited or added to the user's bill at the end of six months. Customers shall be allowed the option of posting a surety bond for the deposit amount, which shall guarantee to the City of Odessa the full and faithful payment of the customer's obligations to the City of Odessa Municipal Utilities.

B. Any person, firm or corporation now connected with the City of Odessa municipal power and light system and having a deposit with the city, but who shall move to another address, shall be and hereby are required to make such additional deposit as required to satisfy the requirements of subsection A.

C. No person, firm or corporation shall be connected with the City of Odessa municipal power and light system without first paying said deposit to the City Collector of the City of Odessa, Missouri. Any person, firm or corporation who shall post a bond in lieu of cash for the municipal power and light deposit and who shall there after permit such bond to expire shall be deemed to no longer have a deposit and upon failure to re-post the bond or cash deposit within ten (10) days of written notice thereof (written notice shall be deemed sufficient if mailed in the regular course through the U.S. Postal Service, postage prepaid, to the customer's billing address) the municipal power and light shall be discontinued. *[RSMo 88.770 (1)]*

5.302 RATES

The following rates shall be charged by the City of Odessa, Missouri, for electrical power and energy used by the customers of the Odessa municipal plant:

A. Residential:

1. Monthly Customer Charge: The monthly customer charge shall be $12.75 per customer per month and shall include the first 49 kWh of usage.

2. Electric Usage Rates: Steps are cumulative. Usage of 50 kWh or higher shall be charged at $0.0965 per kWh.

3. Energy Cost Adjustment (ECA): All residential customers will pay the Energy Cost Adjustment monthly at a rate established by Section 5.303 of the Code of Ordinances.

4. Sales Tax: Sales tax will not be charged on this type of service for electrical usage.

B. Commercial:

1. Monthly Customer Charge: The monthly customer charge shall be $39.75 per customer per month and shall include the first 99 kWh of usage.

2. Electric Usage Rates: Steps are cumulative. Usage of 100 kWh or more shall be charged at $0.1125 per kWh.

3. Energy Cost Adjustment (ECA): All commercial customers will pay the Energy Cost Adjustment monthly at a rate established by Section 5.303 of the Code of Ordinances.

4. Sales Tax: Sales tax will be charged on this type of service for electrical usage, unless a current sales tax exemption letter from the Missouri Department of Revenue is on file with the City Clerk.

C. Industrial:

1. Monthly Customer Charge: The monthly customer charge shall be $49.75 per customer per month and shall include the first 99 kWh of usage.

2. Electric Usage Rates: Steps are cumulative. Usage of 100 kWh or more shall be charged at $0.0925 per kWh. Demand charges shall be at the rate of $7.12 per kW month.

3. Energy Cost Adjustment (ECA): All industrial customers will pay the Energy Cost Adjustment monthly at a rate established by Section 5.303 of the Code of Ordinances.

4. Sales Tax: Sales tax will be charged on this type of service for electrical usage, unless a current sales tax exemption letter from the Missouri Department of Revenue is on file with the City Clerk.

D. Demand Primary Metered General Service:

1. Monthly Customer Charge: The monthly customer charge shall be $59.75 per customer per month and shall include the first 99 kWh of usage.

2. Customer's Delivery Voltage: 4.16 or 12.47 kV

3. Electric Usage Rates: Steps are cumulative. Usage of 100 kWh or more shall be charged at $0.0875 per kWh. Demand charges shall be at the rate of $7.12 per kW month.

4. Energy Cost Adjustment (ECA): All demand primary metered general service customers will pay the Energy Cost Adjustment monthly at a rate established by Section 5.303 of the Code of Ordinances.

5. Sales Tax: Sales tax will be charged on this type of service for electrical usage, unless a current sales tax exemption letter from the Missouri Department of Revenue is on file with the City Clerk.

E. Construction:

1. Monthly Customer Charge: The monthly customer charge shall be $12.75 per customer per month and shall include the first 49 kWh of usage.

2. Electric Usage Rates: Steps are cumulative. Usage of 50 kWh or more shall be charged at $0.0965 per kWh.

3. Energy Cost Adjustment (ECA): All construction customers will pay the Energy Cost Adjustment monthly at a rate established by Section 5.303 of the Code of Ordinances.

4. Sales Tax: Sales tax will not be charged on this type of service for electrical usage.

F. Area Lights:

1. Monthly Customer Charge: The monthly customer charge shall be $8.50 per light per month.

2. Sales Tax: Sales tax will not be charged on area lights for residential customers and will be charged at the current sales tax rate for all other users unless a current sales tax exemption letter from the Missouri Department of Revenue is on file with the City Clerk. *[Ord. 2708 03/10/2008] [Ord. 2731 10/14/2008]*

5.303 ENERGY COST ADJUSTMENT (ECA) FORMULA

In addition to the above monthly rates, a monthly Energy Cost Adjustment (ECA) shall be applied to each customer bill if total purchased power costs for the City exceed thresholds of $6,800.00 per megawatt for demand, $53.00 per megawatt hour for energy, a total system peak of 13.0 megawatt, and $4.50 per megawatt hour for transmission. Only amounts over the thresholds listed above will be used in calculating the ECA. Beginning in January 2007 and continuing into the future, the ECA will be calculated and applied on a monthly basis as determined by the City's cost of electricity and transmission.

Each month, as actual costs are available for purchased power and transmission, the amounts above the thresholds will be multiplied by the amounts purchased for each month and converted to a total dollar amount per kWh. The total costs above the thresholds will be divided by the total amount of kWh sold to the City's electric customers during the previous month, and then multiplied by a factor of 1.02. The resulting amount will be rounded to five decimal places and applied as the next monthly billing cycle as Energy Cost Adjustment (ECA). This process will be repeated each month following if costs are above the established thresholds.

The Energy Cost Adjustment (ECA) thresholds shall be reviewed and adjusted each year in April based on actual costs for demand, energy, system peak and transmission.

5.304 TEMPORARY CONSTRUCTION SERVICE

The installation charge for a temporary construction electrical service connection shall be $30.00. Should a temporary construction service be eventually changed to a permanent service, the customer will be charged additionally the cost for permanent service. The monthly charge shall be calculated using Residential Rates. *[Ord. 2731 10/14/2008]*

5.305 ELECTRIC SERVICE TO MOBILE HOME PARKS

Each mobile home park location will be furnished with electric service to a master meter loop to be installed by the owner of said mobile home park at a point designated by the Public Works Director. All metering and serviced beyond this point are to be built and maintained by the mobile home park owner.

5.306 USE OF ELECTRICITY WITHOUT MEASUREMENT

Any person, firm or corporation who shall, for any purposes whatsoever, use any electrical power or energy supplied by the City of Odessa, without first measuring the same in an electric measuring meter or device so that said City of Odessa may make a proper charge therefore, shall, upon conviction thereof, be fined in a sum not less than $20 and not more than $200 together with court costs.

5.307 PAYMENTS, LATE PAYMENTS, DISCONNECTIONS

All charges for utility service in accordance with the rates herein established shall be paid by the customer and user of said utility service by the tenth day of the month following that in which the service was furnished, and if not paid by that time, such customer shall pay an additional five percent (5%), to be charged on his bill for failure to promptly pay the same in accordance with the terms and provisions hereof. The above late charges shall be deposited into the electric fund.

If the charges for any residential utility service(s) are not paid by the first business day following the 15th day of the month after said service has been furnished, all such services shall be disconnected, regardless of the amount of the deposit with the City of Odessa.

If the charges for any commercial or industrial utility service(s) are not paid by the first business day following the 15th day of the month after said service has been furnished, all such service may, at the City's sole option, be disconnected, regardless of the amount of deposit with the City of Odessa.

There is hereby established a charge of $50.00 for the reconnection of any or all city utility services during normal business hours, and a $100.00 charge for such reconnection outside of normal business hours.

Once a disconnect order has been issued, the reconnection charge must be paid, regardless of whether or not service is disconnected. For each billing period the Public Works Department shall complete all disconnections for delinquent bills during that billing period. The Public Works Department shall not notify the owner or occupier that a disconnect order has been issued.

5.313 EXTENSION FOR NEW SERVICES

The Electric Department will make extensions of its lines for the purpose of serving applicants under the

following terms and conditions:

a. the location of the premises to be served shall be within a territory where the Electric Department is lawfully permitted to render service.
b. The Electric Department shall be supplied with an easement satisfactory to the Electric Department from its existing lines to a point adjacent to the premises proposed to be served.
c. Any easement or right of way required for use by the Electric Department for the construction or extension of electrical services shall be maintained free of debris, dirt piles, brush or any other obstructions, and shall be graded to within one (1) foot of final grade prior to the construction by the Electric Department.
d. The applicant and the anticipated usage shall meet the requirements of the applicable Electrical Rate Schedule for the type of service requested.
e. Each request for new service which requires the applicant to enter into an agreement with the Electric Department covering the terms of the contribution. The Electric Department shall not be required to start construction until the contribution is paid in full.
f. In the event the Electric Department shall require space for facilities of any kind in order to provide service to the customer under any applicable service classification, the customer shall furnish free of charge adequate space satisfactory to the Electric Department for the location of such equipment.

5.314 CHARGE FOR NEW ELECTRICAL INSTALLATIONS

A charge shall be paid for all new electrical installations, either underground or overhead or for existing electrical installations changed from overhead to underground. Such charge shall be based on the cost of materials and labor to perform the work, and shall be paid at the time request is made for service order by the person ordering said installation.

The charge for a 200 Amp single-phase new service shall be $285.00.

The charge for a greater than 200 Amp single-phase new service shall be $400.00.

The charge for a 200 Amp three phase new service shall be $550.00.

The charge for a greater than 200 Amp three phase new service shall be $740.00.

5.315 CUSTOMER CONTRIBUTION TO COST OF EXTENSION

The Electric Department will design its facilities in the most safe, reliable, environmentally acceptable manner and at the lowest reasonable current cost following acceptable engineering and planning practices as determined by the Electric Department. The Electric Department shall include in any estimate for the extension of new facilities, the removal or reconstruction of existing facilities including installation of service lines made necessary solely by addition of such Customers, right of way clearing, the securing of easements, and all other costs incident to making the extension. Additional casts incurred for the construction in frozen ground, rocky terrain, water crossing, and all applicable engineering and general overheads shall be included. The cost of removing existing facilities shall include equipment, labor, and transportation less accumulated depreciation and salvage value of facilities removed. If it is beneficial to the Electric Department to install facilities in excess of that required to serve the Applicant applying for service, the added costs of these facilities will be borne by the Electrical Department.

For residential developments less than fifty lots, the owner shall submit to the electric department three copies of the final approved subdivision plat, clearly showing all lots and easements. The electric department will utilize the plat to design underground facilities for the establishment of electric service on the property of the owner, using the unit cost in Table 1. Overhead facilities that may be necessary on the owner's property and all facilities necessary to connect the City's electric system to the facilities on the owner's property will be estimated and separately charged to the owner.

For residential developments greater than fifty lots, and for all commercial and industrial developments, the electric department shall consult with the owner or developer in the design of the development in

order to incorporate the necessary facilities to provide electrical service to the development. Based upon that design, the owner or developer shall be charged the estimated costs of all necessary electrical improvements.

If a Customer or property owner requests any changes in the plan proposed by the Electric Department, he shall pay the Electric Department, in advance of construction, the estimated excess cost of the substituted installation.

Of the total amount charged to the property owner, one-half must be paid prior to the electric department ordering material for the project. The remaining one-half must be made prior to the commencement of construction.

The unit charges in Table 1 are based upon 1998 construction costs. Each year, at the beginning of the City's fiscal year, the unit costs will be escalated by the increase of the United States Consumer Price Index for the processing year.

Table 1
City of Odessa, Missouri
Electric Department
Underground Construction Unit Charges

Single Phase Pad Mount Transformer (installed). $1,375.00

Single Phase Primary Riser (installed)…….$750.00

5.316 CUTTING TREES INTERFERING WITH POWER LINES
It shall be lawful for the city employees of the City of Odessa, or for the city's agents, servants or employees, to employ contractors, to enter upon any lands, tenements of any property located within the city limits of the City of Odessa, Missouri, to trim, prune, remove or otherwise render any trees, brush or vegetation from interfering with any power lines, guide lines, transformers, electrical poles or its appurtenances within a twenty foot (20') clearance area from such electrical power lines or appurtenances, provided the costs of trimming same and the removal shall be at the cost of the city.

5.317 PROHIBITING PLACEMENT OF OBJECTS ON MUNICIPAL UTILITY POLES
No person shall place any object upon a municipal utility pole. Any person violating this ordinance shall be subject to a fine not to exceed Five Hundred Dollars ($500.00).

5.318 CITY TO PROVIDE SERVICE LINES, WIRE HOLDERS, AND METERS
(A). The city may construct and shall maintain overhead electrical service lines from its distribution system to customer buildings, but said obligation to maintain and service shall cease where said service line attaches to said building.

(B). The city shall furnish and install necessary wire holders to customer's buildings and make connections to customer's wiring at this point, but the city reserves a right to determine at what point on the building or improvements such termination point shall be located.

(C). The city shall furnish to the customer meter and meter circuits which may be placed at any point on the customer's line from point of ending of the city service line as to the city shall be best suited for the reading of the meters.

5.320 CUSTOMER ENTRANCE CABLE; CONDUIT
On any single story building, the customer entrance cable shall extend above the roof line to a height which will allow convenient connection to the city system so as to conform to the recommendations of the Superintendent of Utilities for the said city and shall be housed in a two inch (2") diameter conduit topped with an approved weather head, and the lower part of said housing shall connect with a meter socket at

such height that the meter may be easily read.

On any multi-story building, the customer shall furnish and install a one and one-half inch (1 1/2") conduit attached thereto connected to the meter socket at the lower end and topped with an approved weather head at a point twelve feet (12') from first ground level and shall not be used until the approval of the installation is obtained from the Superintendent of Utilities.

5.322 UNDERGROUND INSTALLATIONS

Should any customer desire to have his service line underground, system shall be buried in the earth at least two feet (2') deep, from the City's distribution point at the point of entrance to the building. The City shall furnish, at its expense, the necessary line and conduit down the pole to a depth of two feet (2'). The location of the meter socket and meter shall be either on the city distribution pole or any customer building, the location of which shall be at the sole discretion of the city, at no cost to the customer. The work must be approved by the Superintendent of Utilities prior to use.

5.400 NET METERING SERVICE

Section 1: Applicable Service Territory:

Net Metering is available in the distribution service territory of the City of Odessa Electric Utility, hereafter referred to as “Utility”, at any point on the Utility’s existing facilities that have adequate capacity and suitable voltage for delivery of service as determined by the Public Works Director or his representative.

Section 2: Availability of Service:

Net metering service is available to any customer that owns and operates a solar, wind, or biomass generating facility or hydrogen fuel cell with a capacity of not more than one hundred (100) kilowatts that is located on the customer’s premises, is interconnected and operates in parallel, with the Utility’s existing transmission and distribution facilities, and is intended primarily to offset part or all of the customer’s own electrical power requirements. This rider is offered in compliance with Consumer Clean Energy Act (386.887, RSMo.)

Section 3: Definitions:

Net metering means measuring the difference between the electricity supplied by the Utility and the electricity generated by an eligible customer-generator and fed back to the electric grid over the applicable billing period.

Section 4: Monthly Billing:

1. The electric service charge shall be computed in accordance with the monthly billing under the customer’s effective standard rate schedule. Under this net metering rider, only the kilowatt hour (kWh) units of a customer-generator’s bill are affected.
2. If the electricity supplied by the Utility exceeds the electricity generated by the customer-generator during the applicable billing period, the customer-generator shall be billed for the net billable kWhs supplied by the Utility in accordance with the rates and charges under the Utility’s standard rate schedule applicable to the customer.
3. If the electricity generated by the customer-generator exceeds the electricity supplied by the Utility, the customer-generator shall be credited for the net value of the electric energy delivered to the Utility during the applicable billing period at the Utility’s avoided cost, with this credit appearing on the customer-generator’s bill no later than the following billing period.

Section 5: Special Conditions:

1. The customer-generator must have an approved and signed Standard Interconnection Application/Agreement with the Utility.
2. The customer-generator is responsible for all costs associated with its generating facility and is also responsible for all costs related to any modifications to the facility that may be required by the Utility for purposes of safety and reliability.

3. A net metering facility shall meet all applicable safety and performance standards established by the National Electric Safety Code, the National Electric Code, the Institute of Electrical and Electronic Engineers, and Underwriters Laboratory.

5.401 Interconnection Application/Agreement

INTERCONNECTION APPLICATION/AGREEMENT FOR NET METERING SYSTEMS WITH CAPACITY OF 100 kW OR LESS

For Customers Applying for Interconnection:

If you are interested in applying for interconnection to the City of Odessa's electrical system, you should first contact the City of Odessa and ask for information related to interconnection of parallel generation equipment to the City of Odessa 's system and you should understand this information before proceeding with this Application. If you wish to apply for interconnection to the City of Odessa 's electrical system, please complete sections A, B, C, and D, and attach the plans and specifications describing the net metering, parallel generation, and inter- connection facilities (hereinafter collectively referred to as the "Customer-Generator's System") and submit them to the City of Odessa at:

City of Odessa
PO Box 128
Odessa, MO 64076

You will be provided with an approval or denial of this Application within ninety (90) days of receipt by the City of Odessa. If this Application is denied, you will be provided with the reason(s) for the denial. If this Application is approved and signed by both you and the City of Odessa, it shall become a binding contract and shall govern your relationship with the City of Odessa.

For Customers Who Have Received Approval of
Customer-Generator System Plans and Specifications:

After receiving approval of your Application, it will be necessary to construct the Customer-Generator System in compliance with the plans and specifications described in the Application, complete sections E and F of this Application, and forward this Application to the City of Odessa for review and completion of section G at:

City of Odessa
PO Box 128
Odessa, MO 64076

The City of Odessa will complete the utility portion of section G and, upon receipt of a completed Application/Agreement form and payment of any applicable fees, permit interconnection of the Customer-Generator System to the City of Odessa's electrical system within fifteen (15) days of receipt by the City of Odessa if electric service already exists to the premises, unless the Customer-Generator and the City of Odessa agree to a later date. Similarly, upon receipt of a completed Application/Agreement form and payment of any applicable fees, if electric service does not exist to the premises, the City of Odessa will permit interconnection of the Customer-Generator System to the City of Odessa's electrical system no later than fifteen (15) days after service is established to the premises, unless the Customer-Generator and the City of Odessa agree to a later date.

For Customers Who Are Assuming Ownership or Operational Control of an Existing
Customer-Generator System:

If no changes are being made to the existing Customer-Generator System, complete sections A, D and F of this Application/Agreement and forward to the City of Odessa at:

City of Odessa
PO Box 128
Odessa, MO 64076

The City of Odessa will review the new Application/Agreement and shall approve such, within fifteen (15)

days of receipt by the City of Odessa if the new Customer-Generator has satisfactorily completed Application/Agreement, and no changes are being proposed to the existing Customer-Generator System. There are no fees or charges for the Customer-Generator who is assuming ownership or operational control of an existing Customer-Generator System if no modifications are being proposed to that System.

A. Customer-Generator's Information

Name:
Mailing Address:
City:_____ State: _____ Zip Code: _____
Service/Street Address (if different from above):
City: _____State: _____Zip Code: _____
Daytime Phone: _____Fax: _____E-Mail: _____
Emergency Contact Phone: _____
The City of Odessa Account No. (from Utility Bill):_____

B. Customer-Generator's System Information

Manufacturer Name Plate (if applicable) AC Power Rating: _____kW Voltage: _____
Volts System Type: Solar____ Wind____Biomass____ Fuel Cell_____ Other (describe) _____
Service/Street Address: _____
Inverter/Interconnection Equipment Manufacturer: _____
Inverter/Interconnection Equipment Model No.: _____
Are Required System Plans & Specifications Attached? Yes___No___
Inverter/Interconnection Equipment Location (describe): _____
_____
Outdoor Manual/Utility Accessible & Lockable Disconnect Switch Location (describe): _____
_____
Existing Electrical Service Capacity: _____Amperes _____Voltage: _____Volts
Service Character: Single Phase___ Three Phase___

C. Installation Information/Hardware and Installation Compliance

Person or Company Installing: _____
Contractor's License No. (if applicable): _____
Approximate Installation Date: _____
Mailing Address: _____
City: _____State: _____Zip Code: _____
Daytime Phone: _____Fax: _____E-Mail: _____
Person or Agency Who Will Inspect/Certify Installation: _____

The Customer-Generators proposed System hardware complies with all applicable National Electrical Safety Code (NESC), National Electric Code (NEC), Institute of Electrical and Electronics Engineers (IEEE) and Underwriters Laboratories (UL) requirements for electrical equipment and their installation. As applicable to System type, these requirements include, but are not limited to, UL 1741 and IEEE 929-2000. The proposed installation complies with all applicable local electrical codes and all reasonable safety requirements of the City of Odessa. The proposed System has a lockable, visible disconnect device, accessible at all times to the City of Odessa personnel. The System is only required to include one lockable, visible disconnect device, accessible to the City of Odessa. If the interconnection equipment is equipped with a visible, lockable, and accessible disconnect, no redundant device is needed to meet this requirement.

The Customer-Generators proposed System has functioning controls to prevent voltage flicker, DC injection, over-voltage, under-voltage, over-frequency, under-frequency, and over-current, and to provide for System synchronization to the City of Odessa 's electrical system. The proposed System does have an anti-islanding function that prevents the generator from continuing to supply power when the City of Odessa 's electric system is not energized or

operating normally. If the proposed System is designed to provide uninterruptible power to critical loads, either through energy storage or back-up generation, the proposed System includes a parallel blocking scheme for this backup source that prevents any backflow of power to the City of Odessa 's electrical system when the electrical system is not energized or not operating normally.

Signed (Installer): _____Date: _____
Name (print): _____

D. Additional Terms and Conditions

In addition to abiding by the City of Odessa 's other applicable rules and regulations, the Customer-Generator understands and agrees to the following specific terms and conditions:

1) Operation/Disconnection

If it appears to the City of Odessa, at any time, in the reasonable exercise of its judgment, that operation of the Customer-Generator's System is adversely affecting safety, power quality or reliability of the City of Odessa's electrical system, the City of Odessa may immediately disconnect and lock-out the Customer-Generator's System from the City of Odessa 's electrical system. The Customer-Generator shall permit the City of Odessa's employees and inspectors reasonable access to inspect, test, and examine the Customer-Generator's System.

2) Liability

The Customer-Generator agrees to carry no less than $100,000 of liability insurance that provides for coverage of all risk of liability for personal injuries (including death) and damage to property arising out of or caused by the operation of the Customer-Generator's System. Insurance may be in the form of an existing policy or an endorsement on an existing policy.

3) Interconnection Costs

The Customer-Generator shall, at the Customer-Generator's cost and expense, install, operate, maintain, repair, and inspect, and shall be fully responsible for the Customer-Generator's System. The Customer-Generator further agrees to pay or reimburse to the City of Odessa all of the City of Odessa's Interconnection Costs. Interconnection Costs are the reasonable costs incurred by the City of Odessa for: (1) additional tests or analyses of the effects of the operation of the Customer-Generator's System on the City of Odessa 's local distribution system, (2) additional metering, and (3) any necessary controls. These Interconnection Costs must be related to the installation of the physical facilities necessary to permit interconnected operation of the Customer-Generator's System with the City of Odessa's system and shall only include those costs, or corresponding costs, which would not have been incurred by the City of Odessa in providing service to the Customer-Generator solely as a consumer of electric energy from the City of Odessa pursuant to the City of Odessa's standard cost of service policies in effect at the time the Customer-Generator's System is first interconnected with the City of Odessa 's system. Upon request, the City of Odessa shall provide the Customer-Generator with a non-binding estimate of the City of Odessa's Interconnection Costs based upon the plans and specifications provided by the Customer-Generator to the City of Odessa.

4) Energy Pricing and Billing

Section 386.887, RSMo Supp. 2002 sets forth the valuation and billing of electric energy provided by the City of Odessa to the Customer-Generator and to the City of Odessa from Customer-Generator. The value of the electric energy delivered to the Customer-Generator shall be billed in accordance with rate schedule(s) of The City of Odessa. The value of the electric energy delivered by the Customer-Generator to the City of Odessa shall be credited in accordance with rate schedule(s) of the City of Odessa.

5) Terms and Termination Rights

This Agreement becomes effective when signed by both the Customer-Generator and the City of Odessa, and shall continue in effect until terminated. After fulfillment of any applicable initial tariff or rate schedule term, the Customer-Generator may terminate this Agreement at any time by giving the City of Odessa at least thirty 30) days prior written notice. In such event, the Customer-Generator shall, no later than the date of termination of Agreement, completely disconnect the Customer-Operator's System from parallel operation with Utility Name]'s system. Either party may terminate this Agreement by giving the other party at least thirty 30) days prior written notice that the other party is in

default of any of the terms and conditions of this Agreement, so long as the notice specifies the basis for termination, and there is an opportunity to cure the default. This Agreement may also be terminated at any time by mutual agreement of the Customer-Generator and the City of Odessa. This agreement may also be terminated, by approval of the Commission, if there is a change in statute that is determined to be applicable to this contract and necessitates its termination.

6) Transfer of Ownership

If operational control of the Customer-Generator's System transfers to any other party than the Customer-Generator, a new Application/Agreement must be completed by the person or persons taking over operational control of the existing Customer-Generator System. The City of Odessa shall be notified no less than thirty (30) days before the Customer-Generator anticipates transfer of operational control of the Customer-Generator's System. The person or persons taking over operational control of Customer-Generator's System must file a new Application/Agreement, and must receive authorization from the City of Odessa, before the existing Customer-Generator System can remain interconnected with the City of Odessa 's electrical system. The new Application/Agreement will only need to be completed to the extent necessary to affirm that the new person or persons having operational control of the existing Customer-Generator System completely understand the provisions of this Application/Agreement and agrees to them. If no changes are being made to the Customer-Generator's System, completing sections A, D and F of this Application/Agreement will satisfy this requirement. If no changes are being proposed to the Customer-Generator System, the City of Odessa will assess no charges or fees for this transfer. The City of Odessa will review the new Application/Agreement and shall approve such, within fifteen (15) days if the new Customer-Generator has satisfactorily completed the Application/Agreement, and no changes are being proposed to the existing Customer-Generator System. The City of Odessa will then complete section G and forward a copy of the completed Application/Agreement back to the new Customer-Generator, thereby notifying the new Customer-Genera- or that the new Customer-Generator is authorized to operate the existing Customer-Generator System in parallel with the City of Odessa 's electrical system. If any changes are planned to be made to the existing Customer-Generator System that in any way may degrade or significantly alter that System's output characteristics, then the Customer-Generator shall submit to the City of Odessa a new Application/Agreement for the entire Customer-Generator System and all portions of the Application/Agreement must be completed.

7) Dispute Resolution

If any disagreements between the Customer-Generator and the City of Odessa arise that cannot be resolved through normal negotiations between them, the disagreements may be brought to the Missouri Public Service Commission by either party, through an informal or formal complaint. Procedures for filing and processing these complaints are described in 4 CSR 240-2.070. The complaint procedures described in 4 CSR 240-2.070 apply only to retail electric power suppliers to the extent that they are regulated by the Missouri public Service Commission.

8) Testing Requirement

The Customer-Generator must, at least once every year, conduct a test to confirm that the Customer- Generators net metering unit automatically ceases to energize the output (interconnection equipment output voltage goes to zero) within two (2) seconds of being disconnected from the City of Odessa's electrical system. Disconnecting the net metering unit from the City of Odessa's electrical system at the visible disconnect switch and measuring the time required for the unit to cease to energize the output shall satisfy this test. The Customer-Generator shall maintain a record of the results of these tests and, upon request by the City of Odessa, shall provide a copy of the test results to the City of Odessa. If the Customer-Generator is unable to provide a copy of the test results upon request, the City of Odessa shall notify the Customer-Generator by mail that Customer-Generator has thirty (30) days from the date the Customer-Generator receives the request to provide to the City of Odessa the results of a test. If the Customer-Generators equipment ever fails this test, the Customer-Generator shall immediately disconnect the Customer-Generators System from the City of Odessa 's system. If the Customer-Generator does not provide results of a test to the City of Odessa within thirty (30) days of receiving a request from the City of Odessa or the results of the test provided to the City of Odessa show that the Customer-Generators net metering unit is not functioning correctly, the City of Odessa may immediately disconnect the Customer-Generators System from the City of Odessa 's system. The Customer- Generator's System shall not be reconnected to the City of Odessa 's electrical system by the

customer generator until the Customer-Generators System is repaired and operating in a normal and safe manner.

I have read, understand, and accept the provisions of Section D, subsections I through 8 of this Application/Agreement.

Signed (Customer-Generator): _____Date: _____

E. Electrical Inspection

The Customer-Generator System referenced above satisfies all requirements noted in Section C.
Inspector Name (print): _____
Inspector Certification: I am a Licensed Engineer in Missouri ___ or I am a Licensed Electrician in Missouri___ License No. _____
Signed (Inspector): _____Date: _____

F. Customer-Generator Acknowledgement

I am aware of the Customer-Generator System installed on my premises and I have been given warranty information and/or an operational manual for that system. Also, I have been provided with a copy of the City of Odessa 's parallel generation tariff or rate schedule (as applicable) and interconnection requirements. I am familiar with the operation of the Customer-Generator System.

I agree to abide by the terms of this Application/Agreement and I agree to operate and maintain the Customer-Generator System in accordance with the manufacturers recommended practices as well as the City of Odessa's interconnection standards. If, at any time and for any reason, I believe that the Customer-Generator System is operating in an unusual manner that may result in any disturbances on the City of Odessa's electrical system, I shall disconnect the Customer-Generator System and not reconnect it to the City of Odessa's electrical system until the Customer-Generator System is operating normally after repair or inspection. Further, I agree to notify the City of Odessa no less than thirty (30) days prior to modification of the components or design of the Customer-Generator System that in any way may degrade or significantly alter that System's output characteristics. I acknowledge that any such modifications will require submission of a new Application/Agreement to the City of Odessa.

I agree not to operate the Customer-Generator System in parallel with the City of Odessa's electrical system until this Application/Agreement has been approved by the City of Odessa.

_____
Signed (Customer-Generator): Date: _____

G. Utility Application Approval *(completed by)* the City of Odessa

The City of Odessa does not, by approval of this Application/Agreement, assume any responsibility or liability or damage to property or physical injury to persons due to malfunction of the Customer-Generator's System or the Customer-Generator's negligence.

This Application is approved by the City of Odessa on this_____ day of _____(month), _____(year).
City of Odessa Representative Name (print):
_____
Signed the City of Odessa Representative:
_____

SUBCHAPTER E - GAS

5.402 FRANCHISE GRANT

There is hereby granted to The Gas Service Company, a corporation operating a gas distribution system in the City of Odessa, Missouri, herein called the grantee, its successors and assigns, the rights, privileges and franchise, for a period of twenty (20) years, to construct, maintain and operate in the present and future streets, alleys, bridges and public places in said city, its gas distribution system as now located, together with the right, privilege and franchise to acquire, construct, maintain and operate therein and thereon such additions and extensions thereto as may be necessary or desirable, all for the purpose of supplying natural gas for all purposes to the inhabitants of said city and consumers in the vicinity thereof.

5.404 RATES

All rates established and charges made by grantee for gas distributed and sold hereunder shall be subject to valid and lawful orders of the Public Service Commission of the State of Missouri, or other competent authority having jurisdiction in the premises, and the sale of gas to consumers shall be governed by the present operating rules, regulations and customers of grantee and such rules and regulations as may hereafter be prescribed or approved.

5.406 DUTIES OF GRANTEE

In consideration of and as compensation for the right, privilege and franchise hereby granted, the grantee, its successors and assigns, shall furnish gas at such pressure and of such quality as shall be designated by lawful orders of the Public Service Commission of said State, if such gas is reasonably procurable; shall furnish free of cost to each consumer a recognized standard meter or other instrument for measurement of gas sold or computation of consumer's bills and keep same in repair at its cost, which meter shall at all times be subject to inspection by said city; shall at all times save the city harmless from any and all damages which said city may be liable to pay that may arise from the construction, maintenance and operating of its plant system or any part thereof; shall limit all excavations of streets, alleys or public places to the necessity of efficient operation and shall not at any one time open or encumber more of any highway or public place than shall be reasonably necessary to enable grantee to proceed with advantage in laying or repairing mains or pipes and shall not permit such highway or public place to remain open longer than necessary for the purpose for which it was opened; shall refill all excavations and replace all pavements with like material and leave same in as good condition as when altered or removed; shall perform all work on streets, alleys and public places under supervision of a representative of said city, if so desired; and shall repay said city all expense to which it has been put in the repair or replacement of streets, highways or pavements in the event such work is done by said city after the neglect or refusal of grantee to perform same in a reasonable time.

5.408 GROSS RECEIPTS TAX

Grantee shall not later than February 1 and August 1 respectively of each year make a report to the Board of Alderman of the City of Odessa of its gross receipts from the sale of gas for domestic and commercial purposes within the corporate Limits of said city for the six (6) months' period ending at the last meter reading preceding December 31 and June 30 respectively; and at the time of making such reports, pay into the city treasury a sum equal to five (5%) percent of said gross receipts subsequent to the effective date of this franchise, which shall be charged to the operating expenses of the company. Domestic and commercial sales shall be considered as sales made other than on special contracts providing for stand-by fuel and interruption of service at any time demands of domestic and commercial consumers may so require. Said percentage of grantee's gross receipts is hereby levied and assessed as an occupation and license tax for the privilege of engaging in the business herein recited during the term hereof; and as a further consideration for this franchise, grantee agrees to recognize the same as a valid tax and make said payments during such period.

SUBCHAPTER F -- TELEPHONE

5.501 FRANCHISE GRANT

The United Telephone Company of Missouri, D/B/A Sprint ("Grantee"), a corporation organized under the laws of the State of Missouri and authorized to do business in the State of Missouri, its successors and assigns, is hereby granted the right-of-way access, in operating a telephone system, to construct and maintain all the necessary poles, wires, cables, pole and wire fixtures, communications plant, and apparatus of whatsoever nature, for the purpose of conducting such business, to erect and maintain such poles, and string the same with wire and cable along the streets, avenues, boulevards, alleys and other public places of the City of Odessa, and to construct or lay and maintain such conduits as Grantee, its successors and assigns, may require, under the streets, avenues, boulevards, alleys and other public places of the City, all for the purpose of furnishing communications services, both audible and visual, to the public by telephone or other electrical or electromagnetic means. The term of this grant shall be for ten (10) years, subject to all ordinances regulating, taxing and controlling telephone lines or systems in the City of Odessa, Missouri. For this authority, United Telephone Company of Missouri, d/b/a Sprint, its successors and assigns, shall pay a right-of-way access fee of five percent (5%), payable quarterly, no later than the 15th of the month following the quarters ending March, June, September, and December. Such payment shall be in lieu of any general or special license tax, occupation tax, or any other such tax for the period covered during the grant term.

5.502 CONDUCTING TELEPHONE BUSINESS

The Grantee, its successors and assigns, shall conduct such communications business in such a manner as shall be to the benefit of the City and its inhabitants, rendering good service, at reasonable rates as authorized by the Missouri Public Service Commission or Missouri law, or any other State or Local Government Agency charged by law with the power to regulate public utilities.

5.503 ERECTION OF POLES, WIRES OR CABLES

All poles and overhead wires or cables erected under this ordinance shall be placed, whether on the City's streets, avenues, boulevards, alleys or other public places, as not to interfere unnecessarily with ordinary travel on such streets, avenues, boulevards, alleys or other public places. All poles erected under this ordinance shall be so located as not to injure unnecessarily any drains, sewers, catch basins, or other like public improvements, and the Grantee shall immediately repair any damages so caused to the satisfaction of the Mayor of the City, and if the Grantee defaults in its obligations to make these repairs, the city may repair the damage and charge the cost to, and collect the same from, the grantee.

All poles of the Grantee, its successors and assigns, shall be placed and erected in such a manner as not unreasonably to interfere with the orderly conduct of the business and the rights of any other public service corporation having a right or franchise to operate its business in the City.

All work of locating and erecting poles or placing underground conduit under and by virtue of this ordinance shall be done in cooperation with the Mayor, or some other authorized City official.

5.504 CITY'S LIABILITY

The Grantee shall hold the City free and harmless from all damages arising by reason of any abuse or negligence in this occupancy, for the payment of which the City may have become liable to any person, persons, or corporations by reason of the granting of this ordinance or by reason of the construction or operation of Grantee's communication system, or by reason of the Grantee failing to conform or comply with any of the provisions or requirements of this ordinance.

5.505 ADJUSTMENT OF AERIAL PLANT

The Grantee shall remove, raise or adjust its aerial plant after forty-eight (48) hours notice by the Mayor of the City, or another properly authorized City official, for the purpose of permitting the moving of houses, or other structures, along the streets of said City; however, the person or persons for whose benefit such communications plant is removed, raised or adjusted, shall first secure proper permission from said City for the moving and agree to pay the Grantee for its related costs and damages. If desired, an advance deposit by the mover may be required by the Grantee.

5.506 TREES' INTERFERENCE WITH WIRES OR CABLES
Permission is hereby granted to the Grantee to trim trees upon and overhanging streets, alleys, sidewalks and public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee, all the said trimming to be done with the approval of any city official to whom said duties have been or may be delegated.

Sec. 5.520 Definitions

A. Gross Receipts. As used in this subchapter, the term "gross receipts" means the aggregate amount of all sales and Charges, exclusive of sales and charges for the commodities or services relative to the business of supplying telephone or telephone service for compensation to subscribers in the City of Odessa during the period, less credits, refunds, sales taxes, and uncollectible accounts actually charged off during the period.

B. Telephone Company or Telephone Service. Telephone companies are any entity or person supplying telephone service, which means transmission of messages or conversations through use of local, toll and wide area telephone service, including without limitation all cellular, air to ground, maritime and radio telecommunication service. Service under this ordinance shall be deemed provided at the location of the service billing address.

C. Subscriber. A subscriber is any person who maintains service at a billing address within the City of Odessa.

Sec. 5.521 Tax Levied
Every person, firm, or business engaged in supplying telephone or telephone service within the City of Odessa as described in Section 5.520 shall pay to the City monthly as a gross receipt tax a sum equal to five percent (5%) of the gross receipts from service conducted for the benefit of subscribers within the City.

Sec. 5.522 Statement of Gross Receipts Required; Payment of Tax, Credit for Service Rendered
All persons engaged in businesses described in section 5.520 and 5.521 in the City are herby required to file with the City Clerk a sworn statement showing the gross receipts of such businesses within the City. For the business transacted and the gross receipts each month, a statement shall be due and filed by the last day of the following month. At the same time the statement is required to be filed, payment of the tax due on the gross receipts reported in the statement shall be made to the City of Odessa at the rate set forth in Section 5.521. The payment shall be a license to operate for the month immediately succeeding the month in which payment is made.

Sec. 5.523 Tax to Be in Lieu of Other Occupation Taxes
The tax required to be paid under Section 5.521 shall be in lieu of any other occupation tax required of any person engaged in any of the businesses described in Section 5.520 and 5.521.

Sec. 5.524 Investigation of Gross Receipts Statement
The City Clerk and such other persons may be designated by the Board of Aldermen, from time to time, is and are hereby authorized to investigate the correctness and accuracy of any statement filed under the provisions of Section 5.522, and for that purpose shall have access at all reasonable times to the books, documents, papers and records of any person filing such statement.

Sec. 5.525 Violations; Penalties
(a) Any person engaged in any of the businesses described in Section 5.520 and 5.521 who shall violate any of the provisions of this subchapter shall be deemed guilty of a misdemeanor as punishable by law.

(b) Delinquent taxes under this article shall be subject to the penalties as provided for by other ordinances of the City, now or hereafter enacted, relating to penalties upon delinquent taxes.

SUBCHAPTER G – TRASH

5.602 DEFINITIONS

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

(a). ***Approved Incinerator*** - An incinerator which complies with all current regulations of the responsible Local, State and Federal air pollution control agencies.

(b). ***Bulky Wastes*** - Non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefore.

(c). ***City*** - The City of Odessa, Missouri.

(d). ***Collection*** - Removal of solid waste from the designated pickup location to the transportation vehicle.

(e). ***Demolition and Construction Waste*** - Waste materials from the construction or destruction of residential, industrial, commercial or miscellaneous structures.

(f). ***Disposable Solid Waste Container*** - Disposable plastic or paper sacks.

(g). ***Dwelling Unit*** - Any room or group of rooms, located within a structure, and forming a single unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

(h). ***Hazardous Waste*** - Any waste or combination of wastes, as determined by the Missouri Hazardous Waste Management Commission by rule and 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 [Subsection 260.360 (9) of the Missouri Hazardous Waste Management Law].

(i). ***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.

(j). ***Person*** - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, or organization of any kind, or their legal representative, agent or assigns.

(k). ***Processing*** - Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

(l). ***Solid Waste*** - Unwanted or discarded waste materials in a solid or semi-solid state, including but not limited to garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, discarded appliances, special wastes, industrial wastes, and demolition and construction wastes.

(1). *Commercial Solid Waste* - Solid waste resulting from the operation of any commercial, industrial, institutional, agricultural or residential complexes.

(2). *Residential Solid Waste* - Solid waste resulting from the maintenance and operation of dwelling units.

(m). ***Solid Waste Container*** - Receptacle used by any person to store solid waste during the interval between solid waste collections.

(n). ***Solid Waste Disposal*** - The process of discarding or getting rid of unwanted material.

(o). ***Solid Waste Management*** - The entire solid waste system of storage, collection, transportation, processing and disposal.

(p). ***Storage*** - Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

(q). ***Transportation*** - The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

(r). ***Yard Wastes*** - Grass clippings, leaves, tree trimmings.

5.603 SOLID WASTE STORAGE

5.603-1 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.

5.603-2 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.

a. Commercial, Industrial, Business and Multi-Family Residential: An enclosure shall be provided for the storage of rubbish and garbage containers (dumpsters) exceeding 1.5 cubic yards. Such enclosures shall be a minimum of six (6) feet in height, gated and so constructed and situated to allow access by collectors. All containers shall be maintained a minimum of 5 feet from any inhabitable structure and at least 20 feet from a public street. **EXCEPTION**: Buildings and the businesses and operations contained therein along Second Street between Main Street and Dryden Street. **EXCEPTION**: Those containers which are not visible from public streets or right of ways.
b. Residential Zones and Properties: Containers for use with one and two family dwellings shall be stored to the side or rear of the residence and may be situated at curbs not more than 24 hours prior to scheduled collection. Such containers are exempt from the enclosure requirement.
c. Enclosure Specifications: The requirements for contained/dumpster enclosures shall include the following:
   1) A permit is required for the construction of a new container/dumpster enclosure.
   2) The enclosure shall be large enough to accommodate the dumpster and be placed on lot for adequate service.
   3) The enclosure shall be placed on a concrete pad with a minimum depth of four inches (4”).
   4) The fencing shall be an opaque type material of wood, concrete, vinyl or chain link with slats. (Wooden fencing must be of the “shadow box design”.)
   5) The fence height shall be a minimum of six (6) feet in height but shall not exceed eight (8) feet in height.
   6) The enclosure shall be constructed in such a manner that all structural members, including braces, posts, poles and other projections, shall be on the interior side of the fence.
   7) The gates shall be constructed with commercial grade hinges, poles and hasps.
   8) The supporting poles at the gates shall be metal with the appropriate diameter to support the gate at least one and at least one and five-eighths inches (1-5/8”) in diameter.
   9) The gates shall have a closing latch and gates must remain closed at all times except during service.
d. Existing Occupancies Effective Date: Within 18 months after the effective date of this ordinance revision, plans for compliance shall be submitted and approved and within 6 months thereafter the work shall be completed. All businesses occupying existing buildings and new structures constructed after the passage of this revision shall comply prior to business license or certificate of occupancy is issued.

5.603-3 Residential solid waste containers shall be leak-proof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The weight of any individual container and contents shall not exceed 75 pounds. Disposable solid waste containers may also be used for storage of residential solid waste.

5.603-4 Commercial solid waste containers shall be waterproof, leak-proof and shall be covered at all times except when depositing waste therein or removing the contents thereof.

5.603-5 Yard wastes shall be stored so as to prevent the dispersal of wastes upon the premises served, upon adjacent premises, or upon adjacent public right-of-way. *{Ord. 2642 04/10/2006}*

5.604 COLLECTION OF SOLID WASTE

5.604-1 Occupants and persons producing solid waste (including bulky rubbish) in the City shall have the responsibility to provide for removal of all solid waste produced upon their premises.

5.604-2 All residential solid waste (other than bulky rubbish) shall be collected at least once weekly. Commercial solid waste shall be collected daily, or at such intervals as are necessary for the preservation of the health and/or safety of the public.

5.604-3 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.

5.604-4 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.

5.604-5 Bulky Rubbish shall be collected at least once annually.

5.605 TRANSPORTATION OF SOLID WASTE

5.605-1 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 there from.

5.605-2 All vehicles to be used for transportation of residential and commercial 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 alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed.

5.605-3 No person shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the city except those individuals or firms contracted or franchised with the city to do so.

5.606 DISPOSAL OF SOLID WASTE

5.606-1 Solid wastes shall be deposited at a processing facility or disposal area complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 to 260.245, RSMo, and the rules and regulations adopted thereunder.

5.606-2 Hazardous wastes will require special handling and shall be disposed of only in a manner authorized by State regulations.

5.607 PROHIBITED PRACTICES

It shall be unlawful for any person to:

1. Deposit solid waste in any solid waste container other than his own, without the consent of the owner of such containers;

2. Fail to have solid waste collected as provided in this ordinance;

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;
4. Burn solid waste unless;

a. An approved incinerator is provided or

b. Only residential solid waste from a residence of fewer than five dwelling units is burned on the premises where the solid waste originates and provided further that such burning takes place within an area zoned for agricultural purposes;

5. Deposit yard wastes in drainage courses or onto flood plain areas;

6. Dispose of solid waste at any facility or location which is not approved by the Missouri Department of Natural Resources;

7. Violate any section of this Subchapter.

5.608 PENALTIES
Any person violating any of the provisions of this Subchapter, upon conviction, shall be punished by a fine of not less than Five Dollars ($5.00) nor more than Five Hundred Dollars ($500.00); provided, that each day's violation thereof shall be a separate offense for the purpose hereof.

5.609 SEVERABILITY CLAUSE
The provisions of this subchapter are severable and if any provisions or parts thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this subchapter.

5.610 DEPOSIT
A deposit for the hauling and collection of trash by the City of Odessa, Missouri in the amount of $15.00 shall be required and paid for each new occupant of any residence.

5.611 SERVICE CHARGES - RATE
There is hereby imposed, for the collection and disposal of solid waste and the recycling of approved items, and for the improvement of the general public health and environment, along with a reduction of the amount of solid waste entering landfills, a service charge for each dwelling unit to which such service shall be provided under the provisions of this subchapter. The service charge for collection of residential solid waste and recycling items shall be in the amount of Ten and 80/100 Dollars ($10.80) per month.

5.612 SERVICE CHARGES - COMMENCEMENT; TERMINATION
The service and service charge shall be terminated upon presentation of satisfactory proof to the Director that any such dwelling unit or establishment is unoccupied, and shall be commenced upon renewed occupancy thereof.

5.613 SERVICE CHARGES - COLLECTION OF
The system of services established by the provisions of this Subchapter hereof is designed as an integral part of the city's subchapter of health and sanitation, to be operated as an adjunct to the city's system for providing potable water and the city's system for providing sewerage disposal. The city may enforce collection of such charges by bringing proper legal action against the occupant of any premises which has received such services, to recover any sums due for such services plus a reasonable attorney's fee to be fixed by the court, plus the cost of such action.

5.614 SERVICE CHARGE - BILLED TO

The service charge herein provided for is hereby imposed upon the occupant of each occupied dwelling unit and the billing therefore shall be made to the person contracting for city water and/or sewerage service or for other water service or otherwise providing water service to each such dwelling unit. In the event of a dwelling unit is not serviced by city water and/or sewerage service, or on the absence of information that such person is neither the owner not the tenant of such dwelling unit, in which event billing therefore shall be made to the owner. Service charges shall be payable to the department empowered to collect service charges imposed by the city.

5.615 SERVICE CHARGES - PAYMENT DUE; FAILURE TO PAY PROMPTLY

All charges for trash/recycling collection service in accordance with the rates herein established shall be paid by the tenth day of the month following that in which the service was furnished, and if not paid by that time, such customer shall pay an additional 5% to be charged with the terms and provisions hereof. The above late charge shall be deposited in the General Revenue fund.

If the charges for trash/recycling service are not paid by the first business day following the 15th day of the month after said service has been furnished, said service shall be disconnected, regardless of the amount of the deposit with the City of Odessa.

5.616 PENALTIES

Any person violating any of the provisions of this subchapter, or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than Five Dollars ($5.00) not more than One Hundred Dollars ($100.00); provided, that each day's violation thereof shall be a separate offense for the purpose hereof.

SUBCHAPTER H – CABLE TELEVISION

5.702 DEFINITIONS

For the purpose of this subchapter, the following terms, phrases, words and their variations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. “City” is the City of Odessa, in the County of Lafayette in the State of Missouri.

2. “Company” is the grantee of rights under this Subchapter awarding a non-exclusive franchise and is known as Landmark Cablevision Associates.

3. “Person” is any person, firm, partnership, association, corporation, company or organization of any kind.

4. “Cable Television System” or “System” shall mean a system of antennas, cables, wires, lines, towers, wave-guides, or any other conductors, converters, equipment or facilities, designed and constructed for purpose of producing, receiving, amplifying and distributing audio, video and other forms of electronic or electrical signals, located in the City.

5. “Gross Subscriber Revenues” shall mean those revenues derived from the monthly service charges paid by subscribers for cable television reception service.

Gross Subscriber Revenues shall also include revenues received as installation charges and fees for reconnections, inspection, repairs or modifications of any installations.

Gross Subscriber Revenues shall also include any revenues received:

a. As advertising payments;

b. From the leasing of cable channels;

c. From pay programs for which a per-channel or per-program charge if made;

d. From furnishing other communications and non-broadcast services either directly or as a carrier for another party; and

e. Any other income from the system.

5.704 GRANT OF AUTHORITY

The City hereby grants to the Company a non-exclusive franchise, right and privilege to construct, erect, operate, modify and maintain in, upon, along, across, above, over and under the highways, streets, alleys, sidewalks, public ways and public places now laid out or dedicated and all extensions thereof, and additional thereto, in the City, poles, wires, cables, underground conduits, manholes and other television conductors and fixtures necessary for the maintenance and operation in the City of a Cable Television System for the purpose of distributing television and radio signals, and other electronic impulses in order to furnish television and radio programs, and various communications and other electronic services to the public. The right so granted includes the right to use and occupy said streets, alleys, public ways and public places and all manner of easements for the purposes herein set forth.

5.706 LIABILITY AND INDEMNIFICATION

The Company shall pay and by its acceptance of this franchise the Company expressly agrees that it will pay all damages and penalties which the City may legally be required to pay as a result of any contract of the Company or the construction, installation, operation or maintenance of the Cable Television System authorized herein. The City shall notify the Company's representative in the City within thirty (30) days after the presentation of any claim or

demand to the City, either by suit or otherwise, made against the City on account of any negligence or contract as aforesaid on the part of the Company. The Company shall carry and pay the cost of the following liability insurance in support of its undertaking to hold the City harmless from loss sustained by either on account of the construction, installation, operation or maintenance of the aforesaid Cable Television System in at least the amounts indicated below for injury to or death of persons and injury to or destruction of property:

1. $100,000 for property damage in any one accident;

2. $800,000 for personal injury in any one accident.

The Company shall also carry liability insurance with $1,000,000 limits for any damage to City property due to the construction, installation, operation or maintenance of the Cable Television System authorized herein. The Company shall comply with all of the provisions of the workmen's compensation laws of the State of Missouri. The Company shall furnish to the City annually the certificates of insurance reflecting the above coverages, and the City shall be named on all said insurance policies as an additional insured, and said insurance policies shall provide that a ten (10) day written notice be given to the City Clerk in the event of material alteration or cancellation of any coverage afforded in said policies prior to said alteration, cancellation or any termination of coverage.

5.708 LOCAL OFFICES; COMPLAINT PROCEDURES

During the term of this franchise and any renewal thereof, the Company shall maintain an office in Independence, Missouri, for the purpose of receiving and resolving all complaints regarding the quality of service, equipment malfunctions and other related matters. The Company further agrees to establish a local point in the City of Odessa, Missouri for payment of subscribers' fees; and Company agrees to review the need for a local office for filing of complaints on a regular basis with the understanding that future growth of the subscriber base in Odessa, Missouri may require the maintenance of such a local office in Odessa, Missouri. Company further agrees to maintain a toll-free telephone number for subscribers' use in making inquiries and complaints twenty-four hours per day, seven (7) days per week. Any complaints from subscribers shall be investigated and acted upon as soon as possible, but at least within forty-eight (48) hours of their receipt. The Company shall keep a maintenance service log which will indicate the nature of each service complaint, the date and time it was received, the disposition of said complaint and the time and date thereof. This log shall be made available for inspection by the City at all reasonable times.

5.710 CONDITION ON ROAD OCCUPANCY

1. The Company may enter into one or more contracts with the electric or water division or other appropriate agency of the City, telephone company or the owner or lessee of any poles located within the City to whatever extent such contract or contracts may be expedient and of advantage to the Company in furnishing the service covered by this franchise to its customers.
2. The Company's System, poles, wires and appurtenances shall be located, erected and maintained so that none of its facilities shall endanger or interfere with lives of persons, or interfere with any improvements the City may deem proper to make, or hinder unnecessarily or obstruct the free use of the streets, alleys, bridges, or easements on public property.

5.712 PAYMENTS TO THE CITY; ANNUAL REPORTS AND OTHER INFORMATION TO BE SUPPLIED

The Company shall pay to the City on a quarterly basis three (3) percent of the annual Gross Subscriber Revenues received by the Company for cable television services as described in Section 5.702, paragraph (5) above. This payment shall be in addition to any other tax or payment owed to the City by the Company. As soon as it is completed, the Company shall furnish the City with its annual certified audit showing among other things the Company's annual Gross Subscriber Revenues during the preceding year and such other information as the City shall reasonably require with respect to properties and expenses related to the Company's services within the City for such period. The Company shall also send to the City copies of all correspondence, documents, reports or other communication by and between the Company and the Federal Communications Commission, Securities and Exchange Commission or other State or Federal regulatory agencies pertaining or relating to the System located within the City Limits of Odessa. The Company shall file with the City a copy of its report to the Federal Communications Commission and shall file annually copies of all rules, regulations, terms and conditions which it has adopted for the conduct of its business.

5.714 METHOD OF COMPUTATION AND TIME OF PAYMENT
Payments due the City under the terms of this Subchapter shall be computed quarterly, as of the following dates: March 31, June 30, September 30 and December 31, and shall be due and payable within thirty (30) days after the end of the quarter.

5.716 RATES
The rates shall be as follows:

Residential Rates:	Installation	Monthly	
1. Basic Cable Service:	$20.00	$8.75	(first outlet)
2. Basic Cable Service:	$10.00	$2.00	(extra outlet)
3. FM Service:	$10.00	$2.00	(with cable outlet)
4. Antenna Switch:	At cost of switch, plus $5.00 labor charge		
5. Disconnect:	No charge		
6. Reconnect:	$10.00		
7. Relocate:	$10.00		
8. Collection Charge:	$5.00		

5.718 RECORDS AND REPORTS
The Company shall keep full, true, accurate and current books of account reflecting its investments based on allocation of assets by miles of plants and its operations under this franchise, which books and records shall be made available for inspection and copying by the City Clerk of the City or her authorized representative at all reasonable time.

5.720 PROCEDURES
(a). Any inquiry, proceeding, investigation, or other action to be taken or proposed to be taken by the Board of Aldermen in regard to the operations of Company's Cable Television System, including action in regard to an increase in subscription rates, shall be taken only thirty (30) days after public notice of such action or proposed action is published in a local daily or weekly newspaper having general circulation in the City; a copy of such action or proposed action is served directly on Company, and the Company has been given an opportunity to respond in writing and/or at such hearing as may be specified by the Board of Aldermen, and general members of the public have been given an opportunity to respond or comment in writing on the action or proposed action.

(b). The public notice required by this section shall state clearly the action or proposed action to be taken, the time provided for response, and the person or persons in authority to whom such responses should be addressed, and such other procedures as may be specified by the Board of Aldermen. If a hearing is held, the notice shall state that public participation may be obtained. The Company may participate in any hearing conducted in regard to its operations.

5.722 FRANCHISE TERM
The franchise granted the Company herein shall terminate fifteen (15) years from date of grant, subject to renewal for periods of reasonable duration on the same terms and conditions as contained herein, or, on such different or additional terms and conditions as may be specified by the Board of Aldermen. No renewal hereof shall be granted unless authorized by the City following a public hearing.

5.724 COMMENCEMENT OF CONSTRUCTION; COMPLIANCE WITH CODES; RESTORATION
Upon grant of this franchise to construct and maintain a community television system, the Company may enter into contracts with the Electric or Water division or other appropriate agency of the City, telephone company or others for the use of poles and posts, at a fee in the amount of $8.00 per pole per year, necessary for proper installation of the System, obtain right-of-way permits from appropriate state, county and federal officials necessary to cross highways or roads under their respective jurisdictions to supply main trunk lines from the Company's receiving antennas, obtain permission from the Federal Aviation Authority to erect and maintain antennas suitable to the needs of the System and its subscribers and obtain whatever other permits a city, county, state or federal agency may require. In the

construction, installation, and maintenance of its System, the Company will use steel, cable, and electronic devices, all of specialized and advanced design and type; in the operation of its System, the Company will employ personnel with training, skill and experience in electronics and communications. The building and electrical codes of the City are incorporated into this Franchise Agreement by reference as though fully set forth, and the Company agrees that its construction shall at all times comply with the requirements of the aforesaid codes. The Company will apply for and receive the City's approval before tree trimming and will restore to original condition any property including without limitation, any ground, grass, sidewalks or pavement disturbed or damaged by the Company's construction or maintenance activities, all at the Company's sole expense.

5.726 SERVICE TO ANNEXED AREAS

Service to annexed areas shall be required where and in such time as is reasonable, and Company may be required to negotiate such extensions within thirty (30) days after annexation has been completed.

5.728 RELOCATION

In the event that at any time during the period of this franchise the City shall lawfully elect to alter or change the grade on any street, alley or other public way, the Company upon reasonable notice by the City shall remove, relay and relocate its poles, wires, cables, underground conduit, manholes and other fixtures at its own expense.

5.730 MODIFICATION OF F.C.C. RULES

Consistent with the requirements of Rule 76.31 (a) (6) of the Federal Communications Commission, any modification of Rule 76.31 resulting from amendment thereof by the Federal Communications Commission shall to the extent applicable be considered as a part of this franchise by the lawful action of the Board of Aldermen within one (1) year from the effective date of the Federal Communications Commission's amendment or at the time of renewal of this franchise, whichever occurs first.

5.732 CHANGES IN MONTHLY SERVICE CHARGES

The City retains the right to approve all changes in the monthly service charges paid by subscribers for television reception service. The Company shall notify the City of any such proposed changes by registered or certified mail, return receipt requested, at least (60) days before the effective date of such change. In the event the City takes no action on a proposed change in said monthly service charge within sixty (60) days after notification, said change shall be deemed to be approved by the City.

5.734 APPROVAL OF FRANCHISE AGREEMENT

The Franchise Agreement between the City and the Company, dated August 11, 1980, a copy of which is attached hereto and incorporated herein by reference, is hereby approved, and the Mayor and City Clerk of the City of Odessa, Missouri are hereby authorized and directed to execute the aforesaid Franchise Agreement for and on behalf of the City.

5.736 PERFORMANCE BOND

Upon the effective date of the Franchise Agreement, the Company shall furnish proof of the posting of a performance bond running in favor of the City with good and sufficient surety approved by the City, and a penal sum of $5,000, conditioned that the Company will well and truly observe, fulfill and perform each term and condition of this Subchapter and the Franchise Agreement and that in the case of any breach of condition of the bond, the amount thereof shall be recoverable from the principal and surety thereof by the City for all damages resulting from the failure of the Company to well and truly observe and perform any provisions of this Subchapter or the Franchise Agreement. Such bond shall be maintained by the Company throughout the term of the Franchise Agreement. Written evidence of the payment of required payments shall be filed and maintained by the Company with the City Clerk.

5.738 COMPLIANCE WITH CITY ORDINANCES

Any franchise granted under this subchapter is subject to all applicable provisions of city ordinances and any amendments thereto, whether made before or after the date of the Franchise Agreement.

5.740 RENEGOTIATION PROVISION

The City and the Company shall hold scheduled renegotiation sessions within thirty (30) days prior to the fifth and

tenth anniversary dates of the Company's obtaining certification for the System from the Federal Communications Commission. Special renegotiation sessions may be held at any time during the term of the franchise, provided that both the City and the Company shall mutually agree on the time, place and areas of negotiation. The following topics shall be open for negotiation at every renegotiation session: Service rate structure; free or discounted services; application of new technology; system complaints; privacy and human rights; and judicial and F.C.C. rulings. Performance under the Franchise Agreement shall be a proper matter for discussion and clarification at any session between the parties.

5.742 TERMINATION OF FRANCHISE AGREEMENT

The aforesaid Franchise Agreement shall be terminated upon the happening of any one or more of the following:
(1). The Company has failed to comply with or has violated in any material respect any provision of this Subchapter;

(2). The Company has made a materially false statement in its franchise application;

(3). The Company, contrary to the public interest, is not providing subscribers with regular, adequate and proper service;

(4). The installed cable system is unused for a continuous period of twelve (12) months or more;

(5). The Company becomes insolvent or in any way seeks protection of the Bankruptcy Act or if any secured creditor begins foreclosure proceedings against the Company.

Any such termination shall be by majority vote of the Board of Aldermen after a public hearing and after notice to the Company and an opportunity to be heard. If the Franchise Agreement is terminated, the Company shall continue to operate the System and to serve the subscribers without interruption until the new operator is ready to take over the System.

5.744 COST OF LITIGATION

A breach by the Company of the Franchise Agreement between the City and the Company, in addition to constituting a breach of contract, shall constitute a violation of this Subchapter. The cost of any litigation incurred by the City to enforce these provisions or the franchise granted pursuant hereto or any Franchise Agreement, or in relation thereto, or in relation to the cancellation or termination of a franchise, shall be reimbursed to the City by the Company. Such costs shall include, but not be limited to, filing fees, costs of depositions, discovery and expert witnesses, all other expenses of suit, and a reasonable attorney's fee.

5.746 SALE OR REMOVAL OF EQUIPMENT UPON TERMINATION

Upon termination of the Franchise Agreement, for any reason whatsoever, the Company agrees to sell all equipment owned by it and located within the City Limits of Odessa, Missouri to the City or to its designee at the book value of said equipment as established by the Company's last annual certified audit, or the City may require the Company to remove its equipment from the public ways within ten (10) months of such termination.

5.748 TRANSFER OF FRANCHISE AGREEMENT

The Company shall not transfer or assign its Franchise Agreement with the City until construction of all facilities is completed. The Company may not thereafter transfer or assign its Franchise Agreement without the specific written approval of the City. The Company may not pledge its Franchise Agreement as security for a loan without the specific written approval of the City.

5.750 MORTGAGE OR PLEDGE

Nothing in this Subchapter shall be deemed to prohibit a mortgage or pledge of the cable system equipment, or any part thereof, or the leasing by the Company from another person of said cable system equipment or part thereof, for financing purposes or otherwise. Any such mortgage, pledge or lease shall be subject and subordinate to the rights of the City under this contract or applicable law.

5.752 SERVICE TO PUBLIC FACILITIES

The Company shall be required to provide without charge for restoration, maintenance or monthly service fee service to the following public facilities:

1. City Hall;

2. Fire and Police stations;

3. Public library; and

4. Public school system.

Any relocation made at the request of recipient of such free service shall be charged at actual cost.

5.754 USE OF EQUIPMENT BY GOVERNMENT, ETC.

Use of production equipment, facilities and production assistance will be provided by the Company free of charge to all governmental entities, non-profit organizations and individuals producing programming selected for cablecasting on the aforesaid channels. The Board of Aldermen shall establish reasonable rules and regulations governing access to facilities and requirements for said operators.

5.756 EMERGENCY USE

The City shall have the right to use the Company's transmission facilities free of charge for emergency purposes.

5.757 RULES AND REGULATIONS ON CABLE TV ACCESS

The Chief of Police will be responsible for the operations of the public access channel.

The following announcements will be placed on the public access channel without approval of the Board of Aldermen:

1. Storm shelter and emergency services details and notice;
2. Notice of election dates and times;
3. Description of ballot issues and candidates for election;
4. Motions and ordinances passed by the Board of Aldermen;
5. Schedules and events for Park Department activities and programs;
6. Emergency announcements and safety bulletins issued by City, County, or State public safety organizations.

The following types of announcements are subject to the approval of the Board of Aldermen, and must be submitted in writing to the City Clerk. The requests will be presented to the Board of Aldermen at their next regularly scheduled board meeting for their review and possible approval. City staff reserves the right to edit the submitted copy to meet space and format requirements.

1. Announcements from the Odessa R-VII School District;
2. Announcements from other governmental entities;
3. Announcements from nonprofit, not-for-profit, social or community service organizations engaged in public service activities or sponsoring “special” events of immediate interest to City of Odessa residents.

Public announcements, safety bulletins, and emergency messages issued by the City, County, or State public safety organizations will be given priority time on the channel.

The following types of announcements will not be considered for the cable access channel:

1. Public announcements which advocate or promote a particular religious or partisan position.
2. Advertising or announcements by individuals, organizations or commercial firms soliciting business in any form.
3. Political ads, business, classified or individual advertising.
4. Announcements concerning regularly scheduled meetings, or church service schedules.
5. Personal messages.

[Ord. 2686 07/09/2007]

5.758 TESTING

The Company shall, not less often than semi-annually, test the system installed in the City to insure that technical standards and quality are being maintained, and the results of system performance and tests, including measurements at the receiving antenna as well as various parts of the System, shall be filed with the City at least semi-annually. As a minimum, the System shall comply with the technical standards prescribed by the Federal Communications Commission as set forth in the Code of Federal Regulations from time to time. The Company shall at all times provide adequate local maintenance crews and an adequate local supply of spare parts to avoid delays in making repairs.

5.760 TAPPING OR MONITORING

Neither the Company nor any person, agency or entity shall tap or arrange for the tapping of any cable, line, signal input device or subscriber outlet or receiver for any purpose whatsoever. Nor shall the Company permit any monitoring of any cable, line, signal-input device, or subscriber outlet or receiver for any purpose whatsoever, without written authorization from the subscriber and the City.

5.762 SALE OF LISTS PROHIBITED

The Company shall not sell or otherwise make available lists of the names and addresses of any of its subscribers or any list which identifies by name or address subscriber viewing habits without the specific authorization of the City.

5.764 ACTIVITIES PROHIBITED

The Company shall not allow its cable or other operations to interfere with television reception or persons not served by the Company, nor shall the System interfere with, obstruct or hinder in any manner the operation of the various utilities serving the residents of the City.

5.766 COMPANY TO HAVE NO RECOURSE

Except as expressly provided in this Subchapter, the Company herein shall have no recourse whatsoever against the City for any loss, cost or expense for damage arising out of any of the provisions or requirements of this Subchapter or the Franchise Agreement or because of the enforcement thereof by the City, nor for the failure of the City to have the authority to grant all or any part of this franchise. The Company expressly acknowledges that, upon accepting this franchise, it did so relying upon its own investigation and understanding of the power and authority of the City to grant this franchise. The Company by acceptance of the Franchise Agreement and of these provisions acknowledges that it has not been induced to enter into this franchise by any understanding or promise or any other statement, whether verbal or written, by or on behalf of the City or by any other third person concerning any term or condition of this franchise not expressed herein. The Company further acknowledges by acceptance of the Franchise Agreement that it has carefully read the terms and conditions thereof and of this Subchapter and is willing to and does accept all of the risks of the meaning of such terms and conditions and agrees that, in the event of any ambiguity therein or in the event of any other dispute over the meaning thereof, the same shall be construed strictly against the Company and in favor of the City.

5.768 NONWAIVER

Neither the provisions of this section nor any bonds accepted by the City pursuant hereto nor any damage recovered by the City hereunder shall be construed to excuse unfaithful performance by the Company or limit the liability of the Company under this Subchapter or the franchise for damages, either to the full amount of the bond or otherwise. The Company shall not be excused from complying with any of the terms or conditions of this Subchapter or of the Franchise Agreement by any failure of the City upon any one or more occasions to insist upon or to see compliance with any such terms or conditions.

5.770 SEVERABILITY

If any of the above sections, subsections, sentences, clauses, phrases or portions is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof, unless in the judgment of a majority of the Board of Aldermen such provision is so material that without it this Subchapter and the Franchise Agreement are rendered void, in which event they shall be invalid and of no effect.

5.772 TIME ESSENCE OF THIS AGREEMENT

Whenever the above sections or the Franchise Agreement shall set forth any term for any action to be performed by or on behalf of the Company, such time shall be deemed of the essence and any failure of the Company to perform within the time allotted shall always be sufficient grounds for the City to revoke this franchise.

CHAPTER FIVE
UTILITIES

SUBCHAPTER I – IMPACT FEES
{Ord. 2643 05/22/2006}

5.800 DEFINITIONS
For the purposes of this subchapter, the following terms shall be deemed to have the meaning indicated below.

a. **Benefit Area** – The geographic area within which impact fees are collected and expended for a particular type of capital improvement serving development projects within such area.
b. **Capital Improvements** – Land or facilities for the storage, treatment or distribution of water; for the collection, treatment, reclamation or disposal of sewage; for the collection and disposal of storm waters and for flood-control purposes; for purposes of transportation and transit, including without limitation, streets, street lighting and traffic-control devices and supporting improvements, roads, bridges, and related facilities; for parks and recreational improvements.
c. **Collection** – The point at which the impact fee is actually paid over to the City.
d. **Commitment** – Earmarking impact fees to fund or partially fund capital improvements serving new development projects.
e. **New Development or Development Project** – Any project undertaken for the purpose of development including, without limitation, a project involving the approval of a site plan, issuance of a permit for construction, reconstruction or change of use, but not a project involving the issuance of a permit to operate or to remodel, rehabilitate or improve an existing structure, which does not change the density or intensity of use, nor the rebuilding of a structure destroyed or damaged by an act of God.
f. **Dwelling Unit –** One or more rooms in a building or a portion of a room, designed, intended to be used, or actually used for occupancy by one family for living and sleeping quarters, and containing one kitchen only, and includes a mobile home, but not hotel or motel units.
g. **Impact Fee** – Any monetary exaction imposed by the City as a condition of or in connection with approval of a development project for the purpose of defraying all or some of the cost of or repayment of costs previously expended from other City funds for capital improvements relating to the project.
h. **Impose –** To determine that a particular development project is subject to the collection of impact fees as a condition of development approval.
i. **Non-residential Development Project –** All development other than residential development projects.
j. **Residential Development Project –** Any development undertaken to create a new dwelling unit or units.

5.801 NOTICE AND HEARING REQUIRED FOR ESTABLISHING OR INCREASING AN IMPACT FEE

a. Prior to establishing or increasing any impact fee, the Mayor and Board of Aldermen shall hold at least one public hearing at which oral or written testimony may be given.
b. Notice of the time and place of the public hearing, including a general explanation of the matter to be considered shall be published a minimum of fifteen (15) days prior to the hearing, in a newspaper regularly published at least once a week. The period of notice commences upon the first day of publication and terminates at the end of business on the tenth day.
c. At least fifteen (15) days prior to the public hearing, the City shall make available to the public data showing the amount, or the estimated amount of the impact fee, and a summary of the basis for the calculation of the impact fee amount.
d. The Board of Aldermen's action to establish or increase any impact fee shall be taken only by ordinance or resolution.
e. Any costs incurred by the City in preparing for and conducting the public hearing may be recovered as a part of the impact fees which are the subject of the hearing.

5.802 IMPOSITION, CALCULATION AND COLLECTION OF IMPACT FEES
Except as provided in this ordinance and any amendment to this ordinance, the City shall impose impact fees as a condition of approval of all new development projects. No tentative or final subdivision map, parcel map, grading permit, building permit, final inspection, or certificate of occupancy, or other development permit, may be approved unless the provisions of this section have been filled.

Impact fees shall be imposed by including the following language in any document of development approval: "Approval of this project is dependent upon payment to the City of all applicable impact fees and connection

fees, as provided in (article #) of The City of Odessa, Missouri Code of Ordinances."

Impact fees shall be collected by the City Collector at the time, and as a condition of issuance of a building permit, except that the connection fees shall be collected at the time of application for connection to the utility system.

5.803 IMPACT FEE ACCOUNTS

The City shall establish an impact fee account for each benefit area, as designated by the City Engineer, for each type of capital improvement for which an impact fee is imposed, and impact fees collected shall be deposited in each such account according to type of improvement and benefit area. The funds of the account shall not be co-mingled with other funds of the City. Any account previously established for the deposit of funds which would have been developer impact fees under this article shall be deemed an impact fee account for the purposes of this article.

Each impact fee account shall be interest-bearing and the accumulated interest shall become a part of the account.

The fund of each account shall be expended within the benefit area exclusively for the capital improvements for which the impact fees were collected.

5.804 USE OF IMPACT FEE PROCEEDS

Impact fees shall be expended only for the type of capital improvements for which they were imposed, calculated, and collected and according to the time limits and procedures established in this article. Impact fees may be used to pay the principal, interest and other costs of bonds, notes and other obligations issued or undertaken by or on behalf of the City to finance such improvements.

5.805 REFUNDS

a. Except as described in section (b) of this section, upon application of the property owner, the City shall refund that portion of any impact fee which has been on deposit over ten (10) years and which is unexpended and uncommitted. The refund shall be made to the then-current owner or owners of lots or units of the development project or projects.
b. If fees in any impact fee account are unexpended or committed for five years after deposit, the Mayor and Board of Alderman shall make findings, at least once each fiscal year while such condition prevails, to identify the purpose to which such fees shall be put and to show a roughly proportional and reasonable relationship between the fee and the purpose for which it was collected. If the Mayor and Board of Alderman make such findings, the fees are exempt from the refund requirement.
c. The City may refund by direct payment, by offsetting the refund against other impact fees due for development projects by the owner on the same or other property, or otherwise by agreement with the owner.

5.807 AUDITS

A property owner may request an audit to determine whether the impact fee that is imposed is roughly proportional to or exceeds the amount reasonably necessary to finance capital improvements attributable to the development project. The Mayor and Board of Aldermen shall then retain a qualified independent auditor and he or she shall determine whether the fee is appropriate. The City will require as a condition of the right to such an audit, that the property owner pay for the cost of the audit and deposit with the City a sum equal to the reasonable estimated cost of the audit. The decision of the independent auditor is final unless appealed to the Mayor and Board of Aldermen by the property owner as provided by this article.

5.808 PROTESTS AND APPEALS

A person may protest or challenge the imposition of a fee imposed pursuant to this article by filing, with the City Clerk within ten days following mailing of notice of the auditor's decision to the appellant, a written notice of appeal with a full statement of the grounds, and an appeals fee of two hundred and fifty dollars. The City may continue processing the development application if the notice of appeal is accompanied with a bond or other

security in an amount equal to the impact fee.

The appellant bears the burden of proof to demonstrate that the amount of the fee was not calculated according to the procedures established in this article.

At a regular meeting following the filing of the appeal, the Mayor and Board of Aldermen, shall fix a time and place for hearing the appeal and the City Clerk shall mail notice of hearing to the appellant at the address given in the notice of appeal. The hearing shall be conducted at the time and place stated in the notice and the determination of the Mayor and Board of Aldermen shall be announced at the conclusion of the hearing or at the next regular meeting of the Mayor and Board of Aldermen. The determination of the Mayor and Board of Aldermen shall be final.

5.809 STATUTE OF LIMITATIONS

Any judicial action or proceeding to oppose, review, set aside or annul the reasonableness, legality, or validity of any impact fee must be filed and service of process effected within ninety days following the date of imposition of the fee or the final determination of the Mayor and Board of Aldermen, whichever is later.

5.810 AMENDMENT PROCEDURES

At least once each year, prior to the adoption of the City budget and revisions to the Capital Improvements Project List, the City Administrator shall report to the Mayor and Board of Aldermen with:

a. Recommendations for amendments to this article and to other parts of this code and to resolutions establishing impact fees;
b. Proposals for changes to the Capital Improvements Project List, identifying capital improvements to be funded, in whole or in part by impact fees;
c. Proposals for changes in the boundaries of benefit areas; and
d. Proposals for changes to impact fee rates and schedules.

5.811 CREDITS

A property owner who dedicates land or otherwise contributes funds for capital improvements, as defined in this article, may be eligible for a credit for such contribution against the impact fee otherwise due.

The City Engineer shall determine:

a. Whether the contribution meets capital improvement needs for which the particular impact fee has been imposed; and
b. Whether the contribution will substitute for or otherwise reduce the need for capital improvements anticipated to be provided with impact fee funds; and
c. The value of the developer contribution.

In no event shall the credit exceed the amount of the otherwise applicable impact fee.

Any application for credit must be submitted at or before the time of development project approval on forms provided by the City. The application shall contain a declaration of those facts, under oath, along with the relevant documentary evidence which qualifies the property owner for the credit.

5.812 CONFLICTS

In the event of a conflict between the provisions of this article and the provisions of any other ordinance or resolution establishing or amending impact fees, the provisions of this article shall govern.

5.813 SEVERABILITY

If a section, subsection, sentence, clause, phrase or portion of this article is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article. The Mayor and Board of Aldermen declares that it would have adopted this article and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that nay one or more sections, subsections, phrases or portions be declared invalid or unconstitutional. *{Ord. 2643 04/10/2006}*

CHAPTER 6

PERSONNEL
RULES & REGULATIONS

Published 5/24/10

CHAPTER SIX
PERSONNEL

6.100 PERSONNEL RULES AND REGULATIONS FOR THE EMPLOYEES OF THE CITY OF ODESSA

6.100-1 PURPOSE

This chapter is intended to help explain the personnel regulations of the City of Odessa, Missouri. This chapter does not constitute an employment agreement between the city and any employee, nor does the chapter provide an exhaustive list of all rules and regulations that may apply to any and all city employees. The rules and regulations explained in this chapter apply to all full and part-time city employees as practical and functional.

6.100-2 PERSONNEL HANDBOOK

The City of Odessa shall, from time to time, adopt personnel policies and procedures by resolution which shall be in addition to matters covered in this Chapter. Upon approval of said policies by resolution they shall serve as a guide to personnel actions, but shall not be construed to grant any right or contract with any employee, or to be considered binding upon the City in any given case.

SEE EMPLOYEE HANDBOOK

6.500 BACKGROUND INVESTIGATIONS

a. Any applicant being considered for employment with the City of Odessa may have their criminal record reviewed for all open records through the MULES system by the Odessa Police Department in accordance with Section 43.535 RSMo.

b. An applicant, employee, or a volunteer, including those serving on governing boards and commissions, seeking to engage in full time, part time, or reserve status employment with the Police Department, Parks Department or in any other department of the City if the position being sought may invoke handling money or interacting with minors, shall submit a set of his/her fingerprints taken by the Police Department to the City of Odessa, when required by the hiring department.

c. Whenever the City determines that it will make a conditional offer of employment to any applicant covered under subparagraph (b) above, and whenever the City determines that it may wish to use the services of a prospective volunteer covered by subparagraph (b) above, the appropriate manager shall so notify the Police Department. The Police Department will then transmit a set of fingerprints and appropriate fees to the appropriate state identification bureau. The state identification bureau will compare the subject's fingerprints against its criminal file and submit the fingerprints to the Federal Bureau of Investigation for a comparison with nationwide records. The results will be returned to the police department.

CHAPTER 7

COMMUNITY DEVELOPMENT CODE

Published 2/28/13

SUBCHAPTER A

Title, Purpose and General Regulations

7.100 Title

This document shall be known as Revised Chapter 7, "The Odessa Community Development Code," cited as such, and will be referred to herein as "this code."

7.100.01 Purpose

This code is an ordinance establishing minimum requirements, for the protection of the public health, safety and welfare.

7.100.02 Building Codes

(a) The following Uniform Codes:

1. *INTERNATIONAL BUILDING CODE 2006®*
2. *INTERNATIONAL RESIDENTIAL BUILDING CODE 2006®*
3. *INTERNATIONAL PROPERTY MAINTENANCE CODE®*
4. *NATIONAL ELECTRIC CODE ® NFPA 70, 2005 EDITION*
5. *INTERNATIONAL FIRE CODE 2006®*
6. *INTERNATIONAL MECHANICAL CODE 2006®*
7. *INTERNATIONAL PLUMBING CODE 2006®*
8. *INTERNATIONALFUEL GAS CODE 2006 ®*
9. *ODESSA STORMWATER MANAGEMENT PLAN*
10. *ODESSA FLOODPLAIN MANAGEMENT ORDINANCE*

Are hereby adopted as the Building Codes of the City of Odessa, in the State of Missouri with the additions, insertions, deletions and changes, if any, set forth herein, for the purpose of prescribing, regulating and governing the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, maintenance and all matters relating thereto for the prevention of conditions hazardous to life and property and for the common welfare, protection and benefit of the residents of the City and each and all of the regulations, provisions, penalties, conditions and terms of said codes are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, adopted by ordinance numberm2819 on July 25, 2011 and subsequent amendments thereto, by the Board of Aldermen of the City of Odessa, Lafayette County Missouri and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

(b) That nothing in this ordinance or the Building Codes hereby adopted by reference shall be construed to affect any suit or proceedings impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

(c) That the city clerk shall certify adoption of this ordinance and cause the same to be published as required by law and this ordinance shall take effect and be in force immediately after its approval.

Permits & Inspections

7.101 Separate Permits are Required

Separate permits are required for construction or demolition to be performed on each building or structure as defined in the model codes, and for public works elements of the following construction trade categories:

(a) Electrical installations and alterations
(b) Mechanical – H. V. A. C. (Heating, Ventilation and Air-Conditioning)
(c) Plumbing and sewers

7.101.1 Permit Expiration

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of one hundred eighty (180) days after the time the work is commenced.

(a) Permits for exterior work, i.e., walls, fences, decks, patios, patio covers, and similar type work requiring permits shall be limited to one hundred eighty (180) days duration from date of issuance.
(b) Permits for new residential construction shall be limited to 180 days from the date of issuance for all work visible from any exterior portion of the dwelling. Residential building permits shall be limited to one year from the date of issuance.
(c) Permits for commercial or industrial construction shall be limited to two-year duration for projects 50,000 square feet and under. Projects over 50,000 shall fall under regulations of the most currently adopted version of the International Building Code Section 105.

7.101.2 Permit Extension.

The Building Official is authorized to grant, in writing, one or more extensions of time for periods not more than one hundred eighty (180) days each. The extension shall be requested in writing and justifiable cause demonstrated upon finding by same that substantial progress has been made toward completion and, in the opinion of the Building Official, the project applicant has the capability to finish the work permitted.

7.101.2.1 Proof of Performance

If questionable, the Building Official may require proof of performance, i.e., a list of contractors and subcontractors under contract for the completion of the project,

before granting of the time extension. Failure to complete a project in the time limits stated above or failure to maintain a valid permit constitutes a violation of this Code. {Ordinance 2825)

CRAFTSMAN LICENSE

7.102 Craftsman License Required

7.102.1 Possession of an Odessa Craftsman License is hereby required as a prerequisite to obtaining Electrical, Mechanical and Plumbing Permits.

1. In lieu of a Craftsman's License, a person may hold, at the time of contracting and at the time of the performance of the work, a valid master or journeyman, trade license, from the City of Kansas City, Missouri; Independence Missouri; or a Block & Associates Test Certificate with a minimum score of seventy-five (75). This Subsection does not waive any of the requirements of Subsection 7.102.3 (e)

2. Owner/occupants of single family dwellings may obtain all categories of permits without a Craftsman License to erect, alter or demolish their home, and/or accessory structures to be erected on the site on which the owner/occupant resides or will reside upon completion of construction of his or her own home. Such work is limited to private residential property, but does not include:

(a) Garage apartments as defined elsewhere in this code;
(b) Work in public right-of-way or on public utilities;
(c) New homes for the expressed purpose of selling the same upon completion thereof.

7.102.2 No permit shall be issued for the performance of electrical, mechanical, or plumbing work as defined in this Section unless said work will be performed in compliance with Subsection 7.102.1, or a valid license or test certificate is provided for inspection at the time the permit is applied for or received.

7.102.3 Craftsman License Issued

Craftsman license shall be issued under the following terms and conditions:

(a) The applicant must be at least 18 years of age, and;
(b) The applicant must possess or certify direct, unrestricted access to a current edition of the code book of the classification corresponding with Craftsman License pursued, and;
(c) Possess a copy of the adoption ordinance for the same, and;

(d) The applicant must attest in writing on a form provided by the city for that purpose, his/her familiarity with the applicable code book, the adopting ordinance and his/her ability to perform work in that trade in accordance with the license category pursued, and;

(e) As a condition precedent to the issuance of a Craftsman license involving electrical, mechanical, or plumbing work, and for work on any city right-of-way or city property, a comprehensive general liability coverage policy with the minimum limits of one million ($1,000,000.00) for personal injuries and property damage. Furthermore, the policy shall contain a provision that the insurer shall notify the City in writing of any change or cancellation at least ten (10) days prior thereto.

(f) Full payment of the license fee.

7.102.4 Validity

Craftsman licenses shall be valid for the term of the codes for which they are issued.

7.102.5 Expiration

Expiration shall be 30 days after the city adopts a new code.

7.102.6 Licenses shall be revoked or suspended

Licenses shall be revoked or suspended if issued in error or if issuance was based on erroneous or false information or for lack of insurance coverage as required under this code.

7.102.7 Craftsman License Separate

Craftsman licenses are separate and unrelated to merchant's licenses as set forth in Chapter 3, Licensing and Regulation of Business.

7.102.8 Craftsman License Fee

Each Craftsman License fee shall be $50.00.

7.102.9 Fees

Tables 7.102A and 7.102B are hereby established for the purpose of assessing fees defined therein, as they relate to activities regulated by this ordinance and the referred codes, as adopted and amended by this ordinance.

7.102.10 Construction Permit Fees

No construction permit shall be issued until all fees as indicated by this section and other sections of the Code of Ordinances of the City of Odessa, and all deposits as may be required for water, sewer, electric and trash services have been paid to the city collector.

TABLE 7.102A
BUILDING PERMITS & GENERAL INSPECTION FEES

VALUATION	PERMIT FEE
$1.00 to $500.00	$25.00
$501.00 to $2,000.00	$25.00 for the first $500.00, plus $2.25 for each additional $100.00 or fraction thereof, to and including $2,000.00
$2,001.00 to $50,000.00	$58.75 for the first $2,000.00, plus $7.50 for each additional $1,000.00 or fraction thereof, to and including $50,000.00
$50,001.00 to $100,000.00	$418.75 for the first $50,000.00, plus $4.00 for each additional $1,000.00 or fraction thereof, to and including $100,000.00
$100,001.00 to $500,000.00	$618.75 for the first $100,000.00 plus $2.75 for each additional $1,000.00 or fraction thereof, to and including $500,000.00
$500,001.00 to $1,000,000.00	$1,718.75 for the first $500,000.00, plus $2.25 for each additional $1,000.00 or fraction thereof, to and including $1,000,000.00
$1,000,001.00 and up	$2,843.75 for the first $1,000,000.00, plus $1.50 for each additional $1,000.00 or fraction thereof.

TABLE 7.102B
PLAN REVIEW & SPECIAL INSPECTION FEES

OFF HOURS INSPECTIONS	$30.00 per hour (minimum charge – two hours)
REINSPECTIONS	$30.00 per hour (minimum charge – two hours)
ALL OTHER INSPECTIONS	$30.00 per hour (minimum charge – two hours)
ADDITIONAL PLAN REVIEW – pursuant to changing approved plans	$30.00 per hour (minimum charge – 1/2 hour)

CODE OFFICIAL DUTIES & APPOINTMENT

7.103 Code Official Duties

In addition to those duties assigned elsewhere in this code and within the model codes, the code official is hereby assigned the following duties:

(a) Assigning or amending address numbers;

(b) Flood Plain Administrator in accordance with the Odessa Floodplain Management Ordinance and State Emergency Management Agency's National Flood Insurance Program;

(c) Assigning building valuation for permit fee assessments.

THE BOARD OF APPEALS

7.104 Board of Appeals Established

The Board of Appeals is hereby established in order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of Subchapters A and B of this code as set forth in this section.

7.104.1 Appointment of the Board of Appeals

The Board of Appeals shall be appointed by the Mayor and approved by the Board of Aldermen and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the codes official. Members holding office at the time of the passage of this ordinance shall continue under the terms of their appointments.

7.104.2 Means of Appeal

Any person directly affected by a decision of the code official, a notice of violation, or an order issued under this code shall have the right to appeal to the Board of Appeals. The appeal shall be in writing on a form provided by the code official and shall be filed at City Hall within 14 days after the decision, notice or order was served. The Board shall meet upon notice from the chairman within 20 days of the filing of an appeal or at stated periodic meetings.

7.104.3 Limitations on Authority

An application for appeal shall be based on a claim that the true intent of this chapter and or codes promulgated therein and or the rules legally adopted there under have been incorrectly interpreted and or that the provisions of this code do not fully apply, and or that at least an equivalent method of health, welfare, protection or safety is proposed. The board shall have no authority to otherwise waive the requirements of this code or legislate, changes thereto.

VIOLATIONS AND PENALTIES

7.105 Violation and Penalties

Any person, firm or organization found in violation of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of the codes adopted herein, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred ($500.00) dollars or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

7.105.1 Notice of Violation

Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, the Code Official is authorized to serve a notice of violation or order on the person responsible for violations of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall be in writing and direct the discontinuance of the illegal action or condition and the abatement of the violation.

7.105.2 Abatement of Violation

In addition to the imposition of the penalties herein described, the code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premise.

ENFORCEMENT

7.106 Interference with Enforcement

It shall be unlawful for any person, firm or organization to hinder the codes enforcement officer in the lawful performance of his/her duties as set forth in this code.

SUBCHAPTER B

CODE ADOPTIONS AND AMENDMENTS

Building Code

7.200 The International Building Code 2006 Edition ®

The International Building Code 2006 Edition ®, including Appendix Chapters:

(1) Appendix C – Group U-Agricultural Buildings
(2) Appendix I – Patio Covers
(3) Appendix H – Signs
(4) Appendix K – ICC Electrical Code

As published by the International Code Council, Inc. is hereby adopted as amended herein:

(a) Insert in Section 101.1 – City of Odessa, Missouri.
(b) Subsection 105.1.1.1 – **Demolition permits** are required to remove or dismantle permanently place mobile homes.
(c) Section 111.1 **Utility disconnects** is hereby added to read as follows: Utility disconnects shall be required to obtain a demolition permit. The applicant must submit written verification of disconnects from the gas, electric, and water utility companies before a demolition permit shall be issued.
Amendments: Sections listed below are to be inserted in place of published Sections:
(d) Section **912 Fire Department Connection**. Section 9.12.1 is hereby added to read as follows: fire department connections shall be installed in accordance with NFPA standard applicable to the system design shall comply with Sections 912.2 through 912.5, and be approved by the Fire Code Official and the Public Works Director.
(e) Insert in Section 1612.3 – City of Odessa, Missouri
(f) Insert in Section 1612.3 – November 26, 2010
(g) Insert Section K101.1 – City of Odessa, Missouri
(h) Delete Section K1103 – Procedures

Residential Building Code

7.201 The International Residential (1 & 2 Family) Building Code 2006 Edition ®

The International Residential (1 & 2 Family) Building Code 2006 Edition ® including Appendix Chapters:

(1) Appendix E – Manufactured Housing Used as Dwellings.
(2) Appendix G – Swimming Pools, Spas and Hot Tubs.
(3) Appendix H – Patio Covers
(4) Appendix K – Sound Transmission Control

Is hereby adopted and amended:

(a) Insert in Section R101.1 – City of Odessa, Missouri

(b) Insert in Table R301.2 (1):

1. Ground Snow Load = 20
2. Wind Speed = 90 mph
3. Seismic Design Category = A
4. Weathering = Severe
5. Frost line depth = Thirty-six (36) inches
6. Termite = Moderate to heavy
7. Decay = Moderate to heavy
8. Winter Design Temperature: 6 Degrees Fahrenheit
9. Ice Barrier Underlayment Required: yes
10. Flood Hazard: See OCDC. 2807 Odessa Floodplain Management Ordinance
11. Air Freezing Index: 1017
12. Mean Annual Temperature: 55.8

(c) **Section R309.1 Opening Protection,** is hereby amended to read as follows: Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with the solid wood doors not less than 1 3/8 inches (35mm) in thickness, solid or honeycomb core steel doors not less than 14 3/8 inches (35mm) thick or 20-minute fire-rated doors. These doors shall be self-closing and self-latching.

(d) **Section R309.2 Separation Required,** is hereby amended to read as follows: The garage shall be separated from the residence and its attic area by 5/8 inch, Type X gypsum board, or equivalent materials approved for one-hour fire resistive construction, applied to the garage side. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by 5/8-inch, Type X gypsum board, or materials approved for one-hour fire-restrictive construction or equivalent, applied to the garage side. Pull down stairs located within garages shall be rated or be adequately protected with material approved for one-hour fire-restrictive construction. Attic access panels located within the garage shall be of 5/8 inch, Type X gypsum board or materials approved for one-hour fire-restrictive construction.

(e) **Section R403.1.1.1 Basement Footing Reinforcement**, is hereby added to read as follows: Footings for basement foundation walls shall have a minimum reinforcement consisting of not less than two (2) No. 4 bars, uniformly spaced, located a minimum of three (3) inches clear from the bottom and edges of the footing.

(f) **Section R403.1.1.2 Column Pad Footings**, is hereby amended to read as follows: Column pads shall be a minimum of twenty-four (24) inches by twenty-four (24) inches and eight (8) inches deep (24” x 24” x 8”). Reinforcement shall consist of a minimum of three (3) No. 4 bars each way, uniformly spaced, within each column pad.

(g) **Section P2601.2.1 Prohibited Drainage and Connections,** is hereby amended to read as follows: Sanitary sewer systems shall be designed, built and maintained in such a manner to prevent all storm or ground water from draining,

discharging or entering into the sanitary sewer system. Connection of sump pumps, foundation drains, yard drains, gutter, down spouts and any other storm water drainage receptacle(s) or system(s) are specifically prohibited from being connected to the sanitary sewer system.

(h) **Section P2603.6 Freezing,** is hereby amended to read as follows: In localities having a winter design temperature of 32 degrees F (0 degrees C) or lower as shown on Table R301.2 (1) of this code, a water, soil or waste pipe shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subjected to freezing temperature unless adequate provision is made to protect such pipes from freezing by insulation or heat or both. Exterior water supply system piping shall be installed not less than 6 inches below the frost line, and not less than forty-two (42) inches below grade.

(i) **Section P2063.6.1 Sewer Depth**, is hereby amended to read as follows: Building sewers that connect to private sewer disposal systems shall be a minimum of 36 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 36 inches below grade.

(j) **Section P2604.5 Excavations,** is hereby amended to read as follows: Excavations required for the installation of a building drainage system shall be open trench work and shall be kept open until the piping has been inspected and approved to cover.

(k) **Section P2902.5.3 Lawn Irrigation Systems,** is hereby amended to read as follows: The potable water supply to lawn irrigation systems shall be protected against backflow by a device approved by the Missouri Department of Natural Resources. When chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer. Backflow devices installed within structures shall be installed a minimum of six (6) inches away from any wall or vertical obstruction. The backflow device shall be installed between twelve (12) inches and forty-eight (48) inches above the floor and shall be accessible.

(l) **Section P3005.4.2 Building Drain and Sewer Size to Slope**, is hereby amended to read as follows: Pipe sizes and slope shall be determined from Table P3005.4.2 on the basis of drainage load in fixture units (d.f.u.) computed from Table P3004.01. The minimum size of a building sewer serving a dwelling unit shall be four (4) inches.

(m) **Section P3114.3 Air Admittance Valves, Where Permitted,** is hereby amended to read as follows: Individual vents, branch vents, circuit vents and stack vents shall be permitted to terminate with a connection to an air admittance valve only when approved by the Administrative Authority.

(n) **Section E3501.6.2 Service Disconnect Location,** is hereby amended to read as follows: The service disconnecting means shall be installed at a ready accessible location either outside of a building or inside nearest the point of entrance of the service conductors. When the service conductors are more than ten (10) feet in length from the point of entry to the service panel, a separate means of disconnect shall be installed at the service cable entrance to the building or structure. Service disconnecting means shall not be installed in bathrooms. Each

occupant shall have access to the disconnect serving the dwelling unit in which they reside.

Property Maintenance Code

SECTION 7.202 The International Property Maintenance Code 2006 Edition ®

The International Property Maintenance Code Edition 2006 ® as published by the International Code Council, Inc., is hereby adopted and amended herein:

(a) Insert in **Section 101.1** – City of Odessa, Missouri.
(b) Insert in **Section 103.5** – Fees established in this code.
(c) Delete **Section 111** - Means of Appeal.
(d) **Section 302.10** – Tree Maintenance is hereby added to read as follows: Dead, dying or diseased trees, or portions thereof, shall be treated, pruned or removed so as not to pose a threat to adjourning private or public property. Tree limbs and branches shall be trimmed so as not to block vehicle driver's view at intersections or street signs.
(e) Insert in **Section 304.14** – April 1st – October 15th.
(f) Insert in **Section 602.3** – September 15th – April 30th.
(g) Insert in **Section 602.4** – September 15th – April 30th

Electric Code

SECTION 7.203 The National Electric Code 2005 Edition ®

The National Electric Code 2005 Edition ® as published by the National Fire Protection Association ® is hereby adopted as amended herein:

(a) Add to **Section 230.1 Scope:** Exception: Parts I, II, and III shall only apply to systems where in energy is purchased from a purveyor other than the City of Odessa.
(b) Temporary electrical services (saw services) shall be valid for a maximum period of six (6) months from date of issuance. One renewal may be authorized thereafter under special circumstances. Service for use longer than one year must be replaced with a permanent service. Existing installations at the time of passage of this code shall be considered new effective upon passage date and subject to all terms set forth in this code.
(c) **Section 230.70(A)(1) Readily Accessible Location.** is hereby amended to read as follows: The service disconnecting means shall be installed at a readily accessible location either outside of a building or inside nearest point of entrance of the service conductors. When service entrance conductors are more than ten (10) feet in length from the point of entry to a service panel, a separate means of disconnect must be installed at the service cable entrance to the building or structure.

FIRE CODE

SECTION 7.204 The International Fire Code 2006 Edition ®

The International Fire Code 2006 Edition ® including Appendix Chapters:

(1) Appendix B: Fire-Flow Requirements for Buildings

(2) Appendix C: Fire Hydrant Locations and Distribution
(3) Appendix D: Fire Apparatus Access Roads

As published by the International Code Council, Inc. is hereby adopted as amended herein:

(a) Insert in Section 101.1 – City of Odessa, Missouri
(b) Insert in Section 109.3 – [fifty dollars ($50.00)] , [five hundred dollars ($500.00)], [ninety (90) days]
(c) Insert in Section 3204.3.1.1 – Storage of flammable cryogenic fluids in stationary containers outside of building without written approval of the quantities and terms for the same by the Fire Chief.
(d) Insert in Section 3404.2.9.5 – Storage of Class I and Class II liquids in above ground tanks outside of buildings in prohibited.
(e) Insert in Section 3406.2.4.4 – Permanent storage of Class I and Class II liquids in above ground tanks of buildings is prohibited.

Mechanical Code

Section 7.205 The International Mechanical Code 2006 Edition ®

The International Mechanical Code 2006 Edition ® as published by the International Code Council, Inc. is hereby adopted and amended herein:

(a) Insert in Section 101.1 – City of Odessa, Missouri.
(b) Insert in Section 106.5.2 – Fee tables in this code.
(c) Insert in Section 106.5.3 Fee Refunds – Paragraph 2 Permit Fee = 90%; Paragraph 3 Plan Review Fee = 90%
(d) Delete Section 109 Means of Appeal.

Plumbing Code

Section 7.206 The International Plumbing Code 2006 Edition ®

The International Plumbing Code 2006 Edition ® as published by the International Code Council, Inc., is hereby adopted and amended herein:

(a) Insert in Section 101.1 – City of Odessa, Missouri.
(b) Insert in Section 106.6.2 – Fee tables in this code.
(c) Insert in Section 106.6.3 Fee Refunds – Paragraph 2 Permit Fee = 90%; Paragraph 3 Plan Review Fee = 90%
(d) Delete Section 109 Means of Appeal.
(e) **Section 305.6. Freezing,** is hereby amended to read as follows: Water, soil, and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subjected to freezing temperature unless adequate provision is made to protect such pipes from freezing by insulation or heat or both. Exterior water supply system piping shall be installed not less than 6 inches below the frost line, and not less than forty-two (42) inches below grade.
(f) Insert in **Section 305.6.1 Sewer Depths:**

1. Private sewer system: 36 inches measured from the top of the pipe
2. Building sewers: 36 inches, measured from the top of the pipe.

(g) **Section 904.1 – Roof Extension:** is hereby amended to read as follows: All open vent pipes that extend through a roof shall be terminated at least six (6) inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall run at least seven (7) feet above the roof.

(h) **Section 917.3 Air Admittance Valves, where permitted,** is hereby amended to read as follows: Individual vents, branch vents, circuit vents and stack vents shall be permitted to terminate with a connection to an individual or branch-type air admittance valve. Stack vents and vents stacks shall be permitted to terminate to stack-type air admittance valves. Individual and branch-type air admittance valves shall vent only fixtures that are on the same floor level and connect to a horizontal branch drain. The horizontal branch drain having individual and branch-type air admittance valves shall conform to Section 917.3.1 or 917.3.2. Stack air admittance valves shall conform to section 917.3.3. Air admittance valves are to be installed per the manufacture installation requirements and are permitted to be used only when approved by the Administrative Authority.

(i) **Section 1101.3 Prohibited Drainage,** is hereby amended to read as follows: Storm water shall not be drained into sewers intended for sewers only. Sanitary sewer systems shall be designed, built and maintained in such a manner to prevent all storm and ground water from draining, discharging or entering into the sanitary sewer system. Connection of sump pumps, foundation drains, yard drains, gutter downspouts and any other storm water drainage receptacle(s) or system(s) are specifically prohibited from being connected to the sanitary sewer system.

Fuel Gas Code

SECTION 7.207 International Fuel Gas Code 2006 ®

The International Fuel Gas Code 2006 Edition ® including Appendix Chapters:

(1) Appendix A: Sizing and Capacities of Gas Piping

(2) Appendix B: Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed for Use and Type B Vents.

(3) Appendix C: Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems.

As published by the International Code Council, Inc., is hereby adopted and amended as follows:

(a) **Section 301.16 Protection from Physical Damage**, is hereby added to read as follows: Where meters supplying fuel gas are located adjacent to parking spaces or vehicular driveways they shall be protected from physical damage per Section 312 of the 2006 International Fire Code.

Storm Water Management

Section 7.208 The Odessa Storm Water Management Plan

The Odessa Storm Water Management Plan, an Odessa proprietary document, first print edition originally adopted by ordinance number 2310, bill number 98-02 on February 9, 1998 is hereby adopted.

Section 7.209 Odessa Floodplain Management Ordinance

The Odessa Floodplain Management Ordinance , an Odessa proprietary document, first edition originally adopted by Ordinance Number 2807, Bill no. 2010-31 on November 17, 2010 is hereby established.

Site Maintenance & Grade Standards

Section 7.210 Site Maintenance & Grade Standards

The permit holder shall:

(a) Display the building permit card at the construction site.
(b) Provide sanitation facilities for construction workers.
(c) Prevent mud and debris from tracking into the street.

Section 7.210.1 Excavation and Grading

Amounts ≥ 5,000 cubic yards or land surface disturbance ≥ one acre in area shall require approval by the city engineer prior to any construction activity or as a prerequisite to the issuance of permits for projects having such amounts.

Section 7.2010.2 Erection or Demolition of Principal Use Structures

Erection or demolition of principal use structures shall include provisions for the following:

(a) Surface water management;

(b) Repair or replacement of damaged, substandard or missing sidewalks, curbs/gutters and/or driveway approaches;

(c) Exception: public sidewalks and/or curbs and gutters and/or paved driveway approaches are not required in new subdivisions where exempted by approved subdivision development plans.

(d) Removal of all debris from the demolition to an appropriate location off site. This includes demolition of structures which have been severely damaged by fire or other causes.

(e) Every sewer in a building scheduled to be demolished shall be plugged or capped in an approved manner within five (5) feet of the property line. {Ord. 2856}

Section 7.210.3 Handicap Accessible Scoping

Each occupied building shall be equipped with at least one (1) handicap accessible parking stall and an approved path for access into the building in accordance with Chapter 2 of the ICC/ANSI 117.1-1998 and other applicable regulations. EXCEPTION: The codes official may approve special configurations for multi-tenant

buildings such as malls, strip centers, schools and all of blocks 13, 14, 15, and 16 of the plat of Original Town (of) Odessa, recorded in Plat Book 3, Page 8 in the Lafayette County Recorder's Office, City of Lexington, State of Missouri.

CHAPTER 8

ZONING REGULATIONS

Published 8/25/14

CHAPTER EIGHT
ZONING REGULATIONS

SUBCHAPTER A GENERAL PROVISIONS

8.100 CITATION

This Ordinance, in pursuance of the authority granted by the General Assembly of the State of Missouri in Chapter 89, RSMo, shall be a part of the comprehensive plan for the City of Odessa and shall be known as the Zoning Ordinance and may be cited as such.

8.101 PURPOSE AND NECESSITY

The regulations contained herein are necessary to encourage the most appropriate uses of land; to maintain and stabilize the value of property; to reduce fire hazards and improve public safety and safeguard the public health; to decrease traffic congestion and its accompanying hazards; to prevent undue concentration of population; and to create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public utilities, and other facilities. In interpreting and applying the provisions of this Ordinance they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. [RSMo 89.040]

8.102 NATURE OF ZONING PLAN

This Ordinance classifies and regulates the use of land, buildings, and structures within the city limits of the City of Odessa, State of Missouri, as hereinafter set forth. The regulations contained herein are necessary to promote the health, safety, convenience, and welfare of the inhabitants by dividing the city into zones and regulating therein the use of the land and the use and size of buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, density of population and location of buildings.

8.103 REGULATION OF USE, HEIGHT, AREA, YARDS AND OPEN SPACES

1. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
2. 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.
3. 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.
4. The density and yard regulations of this ordinance are minimum regulations for each and every building existing at the effective date of this ordinance and for any building hereafter erected or structurally altered. No land required for yards or other open spaces about an existing building hereafter erected or structurally altered shall be considered a yard or lot area for more than one primary building.
5. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one primary building on a lot except as otherwise provided in this ordinance.
6. No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of this ordinance.
7. Co-operations, condominiums and all other forms of property ownership do not affect the provisions of these regulations and all requirements shall be observed as though the property were under single ownership.
8. All mobile homes as defined herein and manufactured homes as defined herein, without permanent foundation, shall be located within a mobile home park that has received a conditional use permit. No mobile home or manufactured home without permanent foundation outside an approved mobile home park shall be connected to utilities except those being offered for sale and not inhabited or approved for temporary use. (Exception: Mobile homes of any installation or manufactured homes not placed upon a permanent foundation, legally placed outside an approved mobile home park and inhabited prior to the passage of this regulation.)
9. Structural Orientation: The building fronts of all new residential structures shall be oriented towards the front of the lot. Front of lot shall be considered to be that side of the lot which fronts on a street. In the case of a corner lot, unless specifically noted otherwise on the final plat, the narrowest side fronting on the street shall be considered the

front of the lot. In case the corner lot has equal frontage on two or more streets, unless specifically noted otherwise on the final plat, the lot shall be considered to front on that street with the greatest number of lots fronting between the closest intersecting streets. *[Ord. 2634 03-13-06]*

8.104 ZONES

The City of Odessa is hereby divided into zones as shown on the Zoning Map, (Map. # 008092004 dated August 9, 2004) filed with the City Clerk. The map and all explanatory material thereon is hereby made a part of this ordinance. [RSMo 89.030]

Zones shall be designated as follows:

Residential

R-1 Single-Family Dwelling District

R-2 Two-family Dwelling District

R-3 Multiple-Family Dwelling District

Commercial

C-1 Local Commercial District

C-2 General Commercial District

C-3 Highway Commercial District

Industrial

I-1 Light Industrial District

I-2 General Industrial District

Agricultural

A Agricultural District

Specific district regulations are set forth in Subchapter B.

8.105 DEFINITIONS

For the purpose of these regulations certain terms and words are to be used and interpreted as defined hereinafter; words used in the present tense shall include the future tenses; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise.

The word shall is mandatory and not directory.

CHAPTER EIGHT
ZONING REGULATIONS

1. ***Accessory Building*** - A building customarily incidental and subordinate to the main building and located on the same lot with the main building.

2. ***Accessory Use*** - A use customarily incidental, appropriate and subordinate to the principal use of land or buildings located upon the same premises.

3. ***Advertising Sign or Structure*** - Any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone sign or other sign, device or structure of any character whatsoever, including statuary, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building or structure.
    a. The term placed shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

    b. The area of an advertising structure other than a sign shall be determined as the area of the largest cross-section of such structure.

    c. Neither directional, warning nor other signs posted by public officials in the course of their public duties nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this definition.

4. ***Alley*** - A public passage or way affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

5. ***Apartment House or Multiple Family Dwelling*** - A single detached dwelling designed for and occupied by three or more families living independently of each other as separate housekeeping units, including apartment houses, apartment hotels and flats, but not including auto or trailer courts or camps, hotels, or resort type hotels.

6. ***Banking Institution*** – A business licensed by the State or Federal government to receive deposits, make loans, or market securities.

7. ***Basement*** - A story partly or wholly underground. For purposes of height measurement a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

8. ***Bed & Breakfast Facilities –*** A Home Occupation wherein a maximum of four (4) guest rooms are let for transient guests to stay for a period of time not to exceed thirty one (31) days each.

9. ***Boarding House*** - A dwelling other than a hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided for three (3) or more persons.

10. ***Building*** - Any structure intended for shelter, housing or enclosure of persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated, shall be deemed a separate structure.

11. ***Building Height*** - The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or the deckline of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

12. ***Building, Main*** - A building in which is conducted the principal use of the lot on which it is situated. In any

residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

13. ***Building Site*** - A single parcel of land under one ownership, occupied or intended to be occupied by a building or structure.

14. ***Child Care Center*** - Any place, home or institution which receives five or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians or custodians, when received for regular periods of time for compensation; provided, however, this definition shall not include public and private schools organized, operated or approved under the law of this state, custody or children fixed by a court of competent jurisdiction, children related by blood or marriage within the third degree to the custodial person, or to churches or other religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or engaged in church activities.

15. ***Convenience Store –*** A retail store with a limited selection of packaged food, drugstore and household items, open more than twelve hours per day to shoppers.

16. ***Coverage*** - The percentage of the lot area covered by the building. The building area shall include all overhanging roofs.

17. ***Day Care –*** A use that provides care, protection and supervision for individuals on a regular basis away from their primary residence for less than twenty-four (24) hours per day.

18. ***Day Care Commercial –*** A facility other than a residence designed for the care of more than ten (10) individuals, whether children or adults. This term includes nursery schools, preschools, day care centers for children or adults and similar uses, but excludes public and private and/or secondary educational facilities.

19. ***Day Care General –*** A day care establishment conducted in a private residence that provides care, protection and supervision for seven (7) to ten (10) individuals at any one time, excluding those persons related to and residing in the home of the day care provider.

20. ***Day Care Limited –*** A day care establishment conducted in a private residence that provides care, protection and supervision for six (6) or fewer individuals at any one time, excluding those persons related to and residing in the home of the day care provider.

21. ***District*** - Any section or sections of Odessa for which regulations governing the use of buildings and premises or the height and area of buildings are uniform.

22. ***Dwelling*** - Any building, or portion thereof, which is designated or used as living quarters for one or more families, but not including house trailers.

23. ***Dwelling, Single-Family*** - A dwelling designed to be occupied by one family.

24. ***Dwelling, Two-family*** - A dwelling designed to be occupied by two families living independently of each other.

25. ***Dwelling, Multiple*** - A dwelling designed for occupancy by three or more families living independently of each other, exclusive of auto or trailer courts or camps, hotels or resort type hotels.

26. ***Easement*** - A grant by the property owner to the public, a corporation, or persons, for the use of a strip of land for specific purposes which shall be maintained free of buildings, structures or fences (unless such fences are constructed with gate so as to permit free access to such easement).

27. ***Essential Services*** – Underground, surface or overhead electrical, gas, water or waste water transmission and collection systems, together with equipment directly connected to the transmission or collection system.

28. ***Family*** - One or more persons related by blood or marriage, including adopted children, or a group of not to exceed five (5) persons (excluding servants) not all related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family shall be deemed to include domestic servants employed by said family.

29. ***Family Day Care Home –*** Family home, occupied by the day care provider, in which family-like care is given to four (4) persons or less, not related to the day care provider, for any part of the twenty-four (24) hour day.

30. ***Garage Apartment*** - A dwelling unit for one family erected above a private garage.

31. ***Garage, Private*** - An accessory building or part of a main building used for storage purposes only for not more than three (3) automobiles, or for a number of automobiles which does not exceed one and a half times the number of families occupying the dwelling unit to which such garage is accessory, whichever number is the greater. Such space shall not be used for storage of more than one (1) commercial vehicle which does not exceed 1 1/2 tons rated capacity, per family living on the premises, and not to exceed two spaces shall be rented to persons not residing on the premises for storage of non-commercial passenger vehicles only.

32. ***Garage, Public*** - Any garage other than a private garage, available to the public, used for the care, servicing, repair, or equipping of automobiles or where such vehicles are parked or stored for remuneration, hire or sale.

33. ***Gasoline or Automobile Service Station*** - Any area of land, including structures thereon, that is used for the sale of gasoline or oil fuels, but not butane or propane fuels, or other automobile accessories, and which may or may not include facilities for lubricating, washing, cleaning, or otherwise servicing automobiles, but not including the painting thereof.

34. ***Group Home –*** Any home in which eight (8) or fewer residents plus two additional individuals acting as house-parents reside in accordance with Section RSMo 89.020.2 and 89.020.6.

35. ***Guest room –*** Any room or unit where sleeping accommodations are regularly furnished to the public (section 315.005 (3) RSMo).

36. ***Help-Yourself Laundry*** - A laundry providing home type washing, drying and ironing machines for hire to be used by the customers on the premises.

37. ***Home Occupation*** - Any occupation or profession carried on by the inhabitants which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main or accessory buildings; provided that no trading in merchandise is carried on and in connection with which there is no display of merchandise or sign other than one non-illuminated nameplate not more than two square feet in area attached to the main or accessory building, and no mechanical equipment is used or activity is conducted which creates any noise, dust, odor or electrical disturbance beyond the confines of the lot on which said occupation is conducted. The conducting of a beauty or barber shop, tea room or restaurant, rest home, clinic, doctor or dentist office, child care center, or cabinet, metal or auto repair shop shall not be deemed a home occupation.

38. ***Hotel*** - A building or group of buildings under one ownership containing six or more sleeping rooms occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including an auto or trailer court or camp, sanitarium, hospital, asylum, orphanage or building where persons are housed under restraint.

39. ***Land Development Plan*** – A scaled graphical depiction of a proposed project, bearing all requirements of the zoning ordinance, and including boundary lines and setbacks.

40. ***Kennel*** - Any lot or premises on which four (4) or more dogs, more than six (6) months of age are kept.

41. ***Livestock*** - Animals that may be harbored or raised to provide various types of labor, food, or fiber (e.g. feathers, fur, hides, wool) for the benefit of humans or other animals. Livestock species include but are not limited to horses, mares, mules, jacks, jennies, colts, cows, calves, yearlings, bulls, oxen, sheep, goats, lambs, kids, hogs, shoats, pigs, and poultry.

42. ***Lot*** - Any plot of land occupied or intended to be occupied by one building, or a group of buildings, and its accessory buildings and uses, including such open spaces as required by this Ordinance and other laws or ordinances, and having its principal frontage on a street.

43. ***Lot, Corner*** - A lot of which at least two (2) adjacent sides abut for their full lengths on a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135).

44. ***Lot, Double Frontage*** - A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

45. ***Lot, Interior*** - A lot other than a corner lot.

46. ***Lot, Area*** - The total horizontal area included within lot lines.

47. ***Lot, Depth*** - The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

48. ***Lot, Frontage*** - That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

49. ***Lot Lines*** - The lines bounding a lot as defined herein.

50. ***Medical Facilities***

    a. *Convalescent, Rest or Nursing Home* - A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

    b. *Dental Clinic or Medical Clinic* - A facility for the examination and treatment of ill and afflicted human outpatients provided, however, that patients are not kept overnight except under emergency conditions.

    c. *Dental Office or Doctors Office* - Same as dental or medical clinic.

    d. *Hospital* - An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are an integral part of the facilities.

e. *Public Health Center* - A facility primarily utilized by a health unit for the provisions of public health services, including related facilities such as laboratories, clinics, and administrative office operated in connection therewith.

f. *Sanitarium* - An institution providing health facilities for inpatient medical treatment or treatment and recuperation using natural therapeutic agents.

51. ***Motel or Motor Hotel*** - An area containing one (1) or more structures designed or intended to be used as temporary sleeping facilities of one or more transient families and intended primarily for automobile transients.

52. ***Mobile Home*** - A transportable, factory-built home designed to be used as a residential dwelling and built prior to the enactment of the Federal Manufactured Home Construction and Safety Standards Act of 1974.

53. ***Manufactured Home*** - A factory-built structure or structures which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or when erected on site, contains three hundred twenty or more square feet, equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the manufactured home placed thereon may be moved from time to time at the convenience of the owner. [RSMo 700.010 (5)]

54. ***Modular Unit*** - A transportable building unit designed to be used by itself or to be incorporated with similar units at a point-of-use into a modular structure to be used for residential, commercial, educational or industrial purposes. This definition shall not apply to structures under six hundred fifty square feet used temporarily and exclusively for construction site office purposes. [RSMo 700.010 (7)]

55. ***Mobile Home Park*** - Any development, site, parcel or tract of land designed, maintained, or intended to be used for the purpose of providing long term accommodation of more than thirty (30) days for placement of two (2) or more mobile homes and shall include all buildings used or maintained for the use of the residents of the development.

56. ***Municipal Building –*** A structure used for commercial activity that consists of administrative, clerical or professional activities.

57. ***Nonconforming Use*** – A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

58. ***Nursing Home*** – A structure licensed by the State of Missouri to provide full time skilled nursing, convalescent or rehabilitation care to individuals who are unable to care for themselves.

59. ***Office Building*** – A structure used for commercial activity that consists of administrative, clerical or professional activities.

60. ***Parking Lot*** – A site used for parking more than six (6) vehicles to include driveways, maneuvering space, loading berths, and similar spaces, but not a Driveway Approach as defined in the Public Works Code.

61. ***Parking Space*** – An area within a parking lot designated for parking a single vehicle and does not include maneuvering space, driveway or approach.

62. ***Restaurant*** – A structure where food or meals are prepared on the premises for consumption on the premises.

63. ***Rooming House*** - A building where lodging only is provided for compensation to three (3) or more, but not exceeding forty (40) persons all in excess of this number shall be defined as a hotel under the terms of this Ordinance.

64. ***Specialty Retail*** – An establishment devoted exclusively to the sale of high quality merchandise including one or more of the following: art and photography, antiques, books, boutique items, candies, cards and stationary, cut or fried flowers, handicrafts, homemade/gourmet foods, baked goods, ice cream, interior decorator items, leather goods, men's, women's or children's apparel, smoking products.

65. ***Story*** - That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the space between the floor and the ceiling above it.

66. ***Story, Half*** - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.

67. ***Street*** - Any public or private thoroughfare which affords the principal means of access to abutting property.

68. ***Street, Intersecting*** - Any street that joins another street at an angle, whether or not it crosses the other.

69. ***Structure*** - Anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground.

70. ***Structural Alterations*** - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

71. ***Travel Trailer*** - A portable vehicular unit designed and intended to be used for temporary short-term occupancy and for frequent and extensive travel use. Examples of travel trailers would include campers, motor homes, converted buses and other similar units, whether they are self-propelled, pulled, or can be hauled without a special permit.

72. ***Travel Trailer Camp*** - Any development, site, parcel or tract of land designed, maintained or intended to be used for the purpose of providing short term accommodation up to and including thirty (30) days or less for placement of two (2) or more travel trailer units and shall include all buildings used or maintained for the use of the occupants in the trailer camp.

73. ***Tree*** - Any object of natural growth.

74. ***Yard*** - An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in this Ordinance that an accessory building may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

75. ***Yard, Front*** - A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the main building or any projection thereof, other than steps.

76. ***Yard, Rear*** - A yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

77. ***Yard, Side*** - A yard between the building and the side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the side of the main building or any projections other than steps.

[*Amended by Ordinance No. 2871, 11-25-13*]

8.106 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the zoning map, the following rules shall apply:

(a). Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

(b). Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

(c). Where district boundaries are so indicated that they are approximately parallel to center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such scaled distance therefrom as indicated on the Zoning Map.

(d). Where the boundary of a district line follows a railroad line such boundary shall be deemed to be located on the easement line to which it is closest, which shall completely include or exclude the railroad easement unless otherwise designated.

8.107 VACATION OF PUBLIC EASEMENTS

Whenever any street, alley or other public easement is vacated, the district classifications of the property to which the vacated portions of land accrue shall become the classification of the vacated land.

SUBCHAPTER B SPECIFIC DISTRICT REGULATIONS

8.200 R-1 SINGLE-FAMILY DWELLING DISTRICT

8.200-1 General Description

The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. It has been sub-divided based on minimum lot size and allowable uses. Larger minimum lot requirements and prohibited uses have been established to protect existing and proposed low-density residential developments from the potentially adverse land use impacts associated with other forms of development, promoting and preserving an open, rural environment on larger parcels of land. All R-1 areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order and efficiency is encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element. (RSMo 89.020)

8.200-2 Uses Permitted

Property and buildings in any R-1, single-family dwelling district, shall be used only for the following purposes:

(a) One detached single-family dwelling.

(b) Attached or detached accessory buildings, including a private garage or storage building.

(c) Home occupation.

(d) Daycare, Limited

(e) Personal garden, serving a single family dwelling on the same lot.

8.200-2.1 Uses Permitted on Review

The following uses may be permitted in all R-1 Districts upon review by the City Planning and Zoning Commission:

(a) Municipal use, public building and public utility.

(b) Plant nursery in which no building or structure is maintained in connection therewith.

(c) General purpose farm or garden, but not the raising of livestock.

(d) Public park or playground.

(e) Golf course

(f) Private club not conducted for profit.

(g) Bed & Breakfast.

(h) Public or private school (elementary, middle, or high) or school offering general educational courses the same as ordinarily given in public schools and having no rooms regularly used for housing or sleeping.

(i) Church/religious assembly

(j) Group Home (8 or fewer residents plus 2 additional individuals acting as house-parents per RSMo 89.020.2 and 89.020.6)

(k) Library

8.200-3 R-1A Single Family Dwelling District

8.200-3.1 Area Regulations

(a) Front Yard: All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:

(1) The minimum depth of the front yard shall be twenty-five (25) feet.

(2) If twenty-five (25) percent or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have observed an average setback line of greater than twenty-five (25) feet, and no building varies more than five (5) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings, but this regulation shall not require a front yard of greater depth than forty (40) feet.

(b) Side Yard:

(1) For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than ten (10) feet provided, however, that for lots of record prior to the effective date of this Ordinance there shall be a side yard for dwellings on each side of the main building of not less than ten percent (10%) of the lot width, except as herein provided in section 8.302. For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one-story building of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located not more than fifty (50) feet from the rear property line.

(2) For dwellings and related accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.

(c) Rear Yard:

There shall be a rear yard for a main building of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building. Unattached buildings of accessory use may be located in the rear yard of a main building; but no accessory building shall be located within five (5) feet of the rear lot line.

(d) Lot Width:

For dwellings there shall be minimum lot width of seventy (70) at the front of the building line except for lots of record prior to the effective date of this Ordinance for which there shall be minimum lot width of fifty (50) feet at the front building line, and such a lot shall abut on a street for a distance of not less than thirty-five (35) feet.

8.200-3.2 Height Regulations

No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height except as provided in section 8.303

8.200-3.3 Intensity of Use

(a) For each dwelling, and buildings accessory there-to there shall be a lot area of not less than eight thousand, four hundred (8,400) square feet. *{Ord. 2721 7/28/2008}*

(b) For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking areas required in subchapter D.

(c) New accessory structures such as a shed, barn, or garage may only occupy a lot in a residential zone if there is a principal dwelling on the same lot.

8.200-3.4 Coverage

Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area on interior lots, and thirty percent (30%) on the lot area on corner lots; accessory buildings shall not cover more than twenty percent (20%) of the rear yard.

8.200-4 R-1B Single Family Dwelling District

8.200-4.1 Area Regulations

(a) Front Yard: All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:

(1) The minimum depth of the front yard shall be thirty (30) feet.

(2) If twenty-five (25) percent or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have observed an average setback line of greater than thirty (30) feet, and no building varies more than five (5) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings, but this regulation shall not require a front yard of greater depth than forty (40) feet.

(b) Side Yard:

(1) For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than twenty (20) feet. For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one-story building of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located not more than fifty (50) feet from the rear property line.

(2) For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than twenty five (25) feet.

(c) Rear Yard:

There shall be a rear yard for a main building of not less than twenty-five (25) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may

be located in the rear yard of a main building, but no accessory building shall be located within five (5) feet of the rear lot line.

(d) Lot Width:

For dwellings there shall be minimum lot width of one hundred (100) feet at the front of the building line.

8.200-4.2 Height Regulations

No building shall exceed two and one-half (2 ½) stories or thirty five (35) feet in height. The height of a residential structure is measured from the highest point of the roof line to finished grade

8.200-4.3 Intensity of Use

(a) Lot size: For each dwelling, and buildings accessory to that dwelling, there shall be a lot area of not less than fifteen thousand (15,000) square feet.

(b) Minimum dwelling floor area. Every dwelling unit shall have a minimum floor area of one thousand, six hundred (1,600) square feet, exclusive of basements, open or screened porches, garages, and other like spaces.

(c) Lot Coverage: Main and accessory buildings shall not cover more than thirty percent (30%) of the lot area. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard.

(d) New accessory structures such as a shed, barn, or garage may only occupy a lot in a residential zone if there is a principal dwelling on the same lot.

(e) Minimum lot area-Reduction permitted when. In the R1-B district, if the overall density of lots per acre meets the requirements of the particular zone classification, the minimum lot size may be reduced to seventy-five (75) percent of said minimum for not more than twenty-five (25) percent of the lots within the area being subdivided. Minimum lot size reductions as described above require Planning and Zoning Board approval.

8.200-5 R-1C Single Family Dwelling District

8.200-5.1 Area Regulations

(a) Front Yard: All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:

(1) The minimum depth of the front yard shall be thirty (30) feet.

(2) If twenty-five (25) percent or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have observed an average setback line of greater than thirty (30) feet, and no building varies more than five (5) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings, but this regulation shall not require a front yard of greater depth than forty (40) feet.

(b) Side Yard:

(1) For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than twenty five (25) feet. For unattached buildings of accessory use

there shall be a side yard of not less than six (6) feet; provided, however, that unattached one-story building of accessory use shall not be required to set back more than five (5) feet from an interior side lot line when all parts of the accessory building are located not more than fifty (50) feet from the rear property line.

(2) For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than thirty (30) feet.

(c) Rear Yard:

There shall be a rear yard for a main building of not less than thirty (30) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building, but no accessory building shall be located within five (5) feet of the rear lot line.

(d) Lot Width:

For dwellings there shall be minimum lot width of one hundred twenty (120) feet at the front of the building line.

8.200-5.2 Height Regulations

No building shall exceed two and one-half (2 ½) stories or thirty five (35) feet in height. The height of a residential structure is measured from the highest point of the roof line to finished grade.

8.200-5.3 Intensity of Use

(a) Lot size. For each dwelling, and buildings accessory to that dwelling, there shall be a lot area of not less than twenty thousand (20,000) square feet.

(b) Minimum dwelling floor area. Every dwelling unit shall have a minimum floor area of one thousand, six hundred (1,600) square feet, exclusive of basements, open or screened porches, garages, and other like spaces.

(c) Lot Coverage: Main and accessory buildings shall not cover more than thirty percent (30%) of the lot area. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard.

(d) New accessory structures such as a shed, barn, or garage may only occupy a lot in a residential zone if there is a principal dwelling on the same lot.

(e) Minimum lot area-Reduction permitted when. In the R-1C zone, if the overall density of lots per acre meets the requirements of the particular zone classification, the minimum lot size may be reduced to seventy-five (75) percent of said minimum for not more than twenty-five (25) percent of the lots within the area being subdivided. Minimum lot size reductions as described above require Planning and Zoning Board approval.

8.200-6 R-1 D Large Lot Single Family Dwelling District

8.200-6.1 Area Regulations

(a) Front Yard: All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:

The minimum depth of the front yard shall be fifty (50) feet.

(b) Side Yard:

(1) For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than thirty (30) feet. For unattached buildings of accessory use there shall be a side yard of not less than ten (10) feet; provided, however, that unattached one-story building of accessory use shall not be required to set back more than five (5) feet from an interior side lot line when all parts of the accessory building are located not more than fifty (50) feet from the rear property line.

(2) For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than thirty -five (35) feet.

(c) Rear Yard:

There shall be a rear yard for a main building of not less than thirty -five (35) feet or twenty-five percent (25%) of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building, but no accessory building shall be located within five (5) feet of the rear lot line.

(d) Lot Width:

For dwellings there shall be minimum lot width of one hundred fifty (150) feet at the front of the building line.

8.200-6.2 Height Regulations

No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height. The height of a residential structure is measured from the highest point of the roof line to finished grade.

8.200-6.3 Intensity of Use:

(a) Lot size. For each dwelling, and buildings accessory to that dwelling, there shall be a lot area of not less than forty thousand (40,000) square feet.

(b) Minimum dwelling floor area. Every dwelling unit shall have a minimum floor area of two thousand, (2,000) square feet, exclusive of basements, open or screened porches, garages, and other like spaces.

(c) Lot Coverage: Main and accessory buildings shall not cover more than thirty percent (30%) of the lot area. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard. New accessory structures such as a shed, barn, or garage may only occupy a lot in a residential zone if there is a principal dwelling on the same lot.

(d) Minimum lot area-Reduction permitted when. In the R-1 D zone, if the overall density of lots per acre meets the requirements of the particular zone classification, the minimum lot size may be reduced to seventy-five (75) percent of said minimum for not more than twenty-five

(25) percent of the lots within the area being subdivided. Minimum lot size reductions as described above require Planning and Zoning Board approval.

8.200-7 R-1E Large Lot Single Family Dwelling District

8.200-7.1 Area Regulations

(a) Front Yard: All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:

The minimum depth of the front yard shall be seventy five (75) feet.

(b) Side Yard:

(1) For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than thirty five (35) feet. For unattached buildings of accessory use there shall be a side yard of not less than ten (10) feet; provided, however, that unattached one-story building of accessory use shall not be required to set back less than ten (10) feet from an interior side lot line when all parts of the accessory building are located not more than fifty (50) feet from the rear property line.

(2) For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than forty (40) feet.

(c) Rear Yard:

There shall be a rear yard for a main building of not less than fifty (50) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller. Unattached buildings of accessory use may be located in the rear yard of a main building, but no accessory building shall be located within ten (10) feet of the rear lot line.

(d) Lot Width:

For dwellings there shall be minimum lot width of two hundred (200) feet at the front of the building line.

8.200-7.2 Height Regulations

No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height. The height of a residential structure is measured from the highest point of the roof line to finished grade.

8.200-7.3 Intensity of Use

(a) Lot size. For each dwelling, and buildings accessory, to that dwelling there shall be a lot area of not less than two (2) acres or eighty-seven thousand, one hundred twenty (87,120) square feet.

(b) Minimum dwelling floor area. Every dwelling unit shall have a minimum floor area of two thousand, (2,000) square feet, exclusive of basements, open or screened porches, garages, and other like spaces.

(c) Lot Coverage: Main and accessory buildings shall not cover more than thirty percent (30%) of the lot area. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard. New accessory structures such as a shed, barn, or garage may only occupy a lot in a residential zone if there is a principal dwelling on the same lot.

(d) Minimum lot area-reduction permitted when. In the R-1 E zone, if the overall density of lots per acre meets the requirements of the particular zone classification, the minimum lot size may be reduced to seventy-five (75) percent of said minimum for not more than twenty-five (25) percent of the lots within the area being subdivided. Minimum lot size reductions as described above require Planning and Zoning Board approval.

8.200-8 Off-Street Parking for all R-1 Zones

Off-street parking shall be provided in these districts in accordance with the following schedule and Section 8.400:

(a) Single Family Dwelling: Two (2) garage parking spaces for each dwelling unit.

(b) Garage Apartments: Two (2) parking spaces for each dwelling unit.

(c) Guest Rooms: One (1) parking space for each lodging room.

8.200-8.1 Parking & Driveway – Size, Location & Configurations:

(a) Individual Parking Spaces, regardless of shape, shall provide a clear rectangular parking space of not less than nine (9) feet in width and a length of not less than twenty (20) feet (plus required accessibility space as required for Handicap Parking where applicable).

(b) Parking Space shall be provided at a location off public right-of-way and outside of the sight clearance triangle at right-of-way intersections as prescribed elsewhere in this code.

(c) Driveway Locations and Approach Configurations shall be constructed in accordance with the Public Works Codes as defined elsewhere in this code.

(d) Driveway Ingress and Egress shall be confined to and shall not exceed twenty-five (25) feet in width, exclusive of curb.

(e) Off-street Driveway & Parking Areas shall be constructed and maintained with Asphalt, Concrete or other approved paving materials capable of supporting all vehicles used thereon, in all weather conditions, without emitting dust or mud onto adjacent street or adjoining property during normal and customary use.

Table RE-1

Setbacks in Feet

Classification	Minimum lot area (Sq. feet)	Minimum lot width (Feet)	Front	Exterior Side Yard	One side Yard	Both side yards	Rear	Dwelling Sq. Footage minimum
R-1 A	8,400	70*	25*	15 to 20	10	20	20	none
R-1 B	15,000	100	30*	20	25	30	25	1,600sf
R-1 C	20,000	120	35*	25	30	50	25	1,600sf
R-1 D	40,000	150	50*	30	35	50	35	2,000sf
R-1 E	87,120	200	75*	40	35	50	50	2,000sf

*See exceptions cited in specific R-1 District sections.

8.200-9 Interpretation of District Boundaries

Where uncertainty exists or transition with respects to the boundaries between districts or sub-districts with in a zone as shown on the zoning map, the following rules shall apply:

(a) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

(b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

(c) Where district boundaries are so indicated that they are approximately parallel to center lines or street lines of streets, or the center lines or right-of-way lines of highways, such boundaries shall be construed as being parallels thereto and at such scaled distance there from as indicated on the Zoning Map.

(d) Where the boundary of a district line follows a railroad line such boundary shall be deemed to be located on the easement line to which is closest, which shall completely include or exclude the railroad easement unless otherwise designated.

(e) Where there is a natural or man-made barrier such as a tree line, creek or stream bed, it may be construed as an acceptable separation between districts or sub-districts, as indicated on the Zoning Map.

(f) Other acceptable transitions would include upon review by the Planning and Zoning Commission a step down of sub-districts within a zone; i.e.… R1-A to R1-B or R1-E to R-1 D, a possible acceptable step down transition could be R1-A to R1- C, or R1- C to R1-E

(g) No transition between districts or sub-districts shall occur without a means of separation or obvious means of transition, subject to approval by the Planning and Zoning Commission upon review. Some examples requiring approval are R1-A next to an R1-E, R-2 next to a R1-C

8.200-10 HEIGHT REGULATIONS

No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height except as provided in section 8.303.

8.200.11. OFF-STREET PARKING shall be provided in this district in accordance with the following schedule and Section 8.400:
8.200.11.1 ***Dwelling:*** **Two (2) parking spaces for each dwelling unit.**
8.200.11.2 ***Garage Apartments****:* Two (2) parking spaces for each dwelling unit.
8.200.11.3 ***Guest Rooms:*** One (1) parking space for each lodging room.
8.200.11.4 ***Parking & Driveway - Size, Location & Configurations:***
8.200.11.5 ***Individual parking spaces***, regardless of shape, shall provide a clear rectangular parking space of not less than nine (9) feet in width and a length of not less than twenty (20) feet (plus required accessibility space as required for Handicap Parking where applicable).
8.200-11.6 ***Parking Space*** shall be provided at a location off public right-of-way and out side of the sight clearance triangle at right-of-way intersections as prescribed elsewhere in this code.
8.200-11.7 ***Driveway Widths, Locations and Approach Configurations*** shall be constructed in accordance with the Public Works Codes as defined elsewhere in this code.
8.200-11.8 ***Off-street Driveway & Parking Areas*** shall be constructed and maintained with Asphalt, Concrete or other approved paving materials capable of supporting all vehicles used thereon, in all weather conditions, without emitting dust or mud onto adjacent street or adjoining property during normal and customary use.

8.201 R-2 Two-Family Dwelling District

8.201-1 GENERAL DESCRIPTION

This is a residential district to provide for a slightly higher population density but with basic restrictions similar to the R-1 district. The principal use of land is for single-family and two-family dwellings and related recreational, religious and educational facilities normally required to provide a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwelling and related facilities and through the consideration of the proper functional relationship and arrangement of each element.

8.201-2 USES PERMITTED

Property and buildings in an R-2, two-family dwelling district shall be used only for the following purposes:

(a). Any uses permitted in R-1, single-family dwelling district.

(b). Two-family dwellings or a single-family dwelling and a garage apartment.

(c). Accessory buildings and uses customarily incidental to any of the above uses when located on the same lot.

8.201-3 USES PERMITTED ON REVIEW

The following uses may be permitted on review by the City Planning Commission:

(a). Any use permitted on review in R-1, single-family dwelling district.

8.201-4 AREA REGULATIONS

(a). *Front Yard*: All buildings shall be set back from the street right-of-way lines to comply with the following front yard requirements:

(1). The minimum depth of the front yard shall be twenty-five (25) feet.

(2). If twenty-five percent (25%) or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have observed an average setback line of greater than twenty-five (25) feet, and no building varies more than five (5) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing building; but this regulation shall not require a front yard of greater depth than forty (40) feet.

(3). When a yard has double frontage the front yard requirements shall be provided on both streets.

(b). *Side Yard*:

(1). For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than ten (10) feet provided, however, that for lots of record prior to the effective date of this ordinance there shall be a side yard for dwellings on each side of the main building of not less than ten percent (10%) of the lot width, except as herein provided in section 8.302. For

unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one-story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located not more than fifty (50) feet from the rear property line.

(2). For dwellings and accessory buildings located on corner lots there a shall be side yard set back from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot and twenty (20) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings as for an interior lot.

(3). Churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior lot lines a distance of not less than thirty-five (35) feet.

(c). *Rear Yard*:

(1). For main buildings, other than garage apartments, there shall be a rear yard of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever is smaller. Garage apartments may be located in the rear yard of a single-family dwelling, but shall not be located closer than ten (10) feet to the rear lot line. Unattached building of accessory use may be located in the rear yard of a main building; but no accessory building shall be located within five (5) feet of the rear lot line.

(d). *Lot Width*: For single-family dwellings, two-family dwellings or single-family dwellings and garage apartments, there shall be a minimum lot width of eighty (80) feet at the front building line, except for lots of record prior to the effective date of this ordinance for which there shall be a minimum lot width of fifty (50) feet at the front building line, and such lot shall abut on a street for a distance of not less than thirty-five (35) feet.

(e). *Intensity of Use*:

(1). For each single-family dwelling and accessory buildings there shall be a lot area of not less than eight thousand four hundred (8,400) square feet. *{Ord. 2721 07/28/2008}*

(2). For each two-family dwelling and accessory buildings there shall be lot area of not less than eight thousand four hundred (8,400) square feet. A garage apartment located on the same lot with a single-family dwelling shall have the same area requirements as a two-family dwelling. In all other cases, a garage apartment shall be provided with the same lot area required by a single-family dwelling. *{Ord. 2721 07/28/2008}*

(3). Where a lot has less area than herein required and all boundary lines of that lot touch lands under other ownership on the effective date of this ordinance, that lot may be used for any use, except churches, permitted in the R-1 single-family district.

(4). For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking area required in Subchapter D.

(f). *Coverage*: Main and accessory buildings shall not cover more than thirty percent (30%) of the lot area. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard.

8.201-5 HEIGHT REGULATIONS

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except as provided in section 8.303.

8.201-6 OFF-STREET PARKING shall be provided in this district in accordance with the following

schedule and Section 8.400:

8.201-6.1 ***Dwelling****:* Two (2) parking spaces for each dwelling unit.

8.201-6.2 ***Garage Apartments****:* Two (2) parking spaces for each dwelling unit.

8.201-6.3 ***Guest Rooms:*** One (1) parking space for each lodging room.

8.201-6.4 ***Parking & Driveway- Size, Location & Configurations:***

8.201-6.5 ***Individual parking spaces***, regardless of shape, shall provide a clear rectangular parking area of not less than nine (9) feet in width and a length of not less than twenty (20) feet (plus required accessibility space as required for Handicap Parking where applicable).

8.201-6.6 ***Parking Space*** shall be provided at a location off public right-of-way and out side of the sight clearance triangle at right-of-way intersections as prescribed elsewhere in this code.

8.201-6.7 ***Driveway Widths, Locations and Approach Configurations*** shall be constructed in accordance with the Public Works Codes as defined elsewhere in this code.

8.201-6.8 ***Driveway & Parking Areas*** shall be constructed and maintained with Asphalt, Concrete or other approved paving materials capable of supporting all vehicles used thereon, in all weather conditions, without emitting dust, mud onto adjacent street or adjoining property during normal and customary use.

8.202 R-3 Multiple -Family Dwelling District

8.202-1 GENERAL DESCRIPTION

This is a residential district to provide for medium and high population density. The principal use of land can range from single-family to multiple-family and garden apartment uses. Certain uses which are functionally more compatible with intensive residential uses than with commercial uses are permitted, as are recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwelling and related facilities and through consideration of the proper functional relationship of each element.

8.202-2 USES PERMITTED

(a). Any use permitted in an R-2 residential district.

(b). Multiple-family dwelling, apartment house.

(c). Rooming or boarding house.

(d) Bed & Breakfast.

(e). Accessory buildings and uses customarily incidental to the above uses when located on the same lot.

8.202-3 USES PERMITTED ON REVIEW

The following uses may be permitted on review by the City Planning Commission:

(a). Any use permitted on review in an R-1 or R-2 residential district.

(b). Child care center.

(c). Medical facility.

(d). Mobile Home Park.

8.202-4 AREA REGULATIONS

(a). *Front Yard*: All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:

(1). The minimum depth of the front yard shall be twenty-five (25) feet.

(2). If twenty-five percent (25%) or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have observed an average setback line of greater than twenty-five (25) feet, and no building varies more than five (5) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings; but this regulation shall not require a front yard of greater depth than forty (40) feet.

(3). When a yard has double frontage the front yard requirements shall be provided on both streets.

(b). *Side Yard*:

(1). For dwellings located on an interior lot, a side yard of not less than ten (10) feet shall be provided on both sides of the main dwelling for the first story and an additional three (3) feet of side yard shall be provided for each additional story or part thereof, provided, however, that for single-family and two-family dwellings on lots of record prior to the effective date of this ordinance there shall be provided on both sides of the main building a side yard of not less than ten percent (10%) of the lot width.

For unattached buildings of accessory use there shall be a side yard of not less than five (5) feet; provided, however, that unattached one story buildings of accessory use shall not be required to set back more than three (3) feet from an interior side lot line when all parts of the accessory building are located not more than fifty (50) feet from the rear property line.

(2). For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.

(3). Churches and main and accessory buildings, other than dwellings and mobile homes, shall set back from all exterior and interior side lot lines a distance of not less than thirty-five (35) feet.*{Ord. 2721 07/29/2008}*

(c). *Rear Yard*:

(1). For main buildings, other than garage apartments, there shall be a rear yard of not less than twenty (20) feet or twenty percent (20%) of the depth of the lot, whichever is smaller. Garage apartments may be located in the rear yard of another dwelling, but shall not be located closer than ten (10) feet to the rear lot line. Unattached buildings of accessory use may be located in the rear yard of a main building; but no accessory building shall be located within five (5) feet of the rear lot line.

(d). *Lot Width*: There shall be a minimum lot width of eighty (80) feet at the front building line for single-family and two-family dwellings, and ten (10) feet additional width at the front building line for each family, more than two, occupying a dwelling, provided however, that a lot width at the front building line shall not be required to exceed one hundred fifty (150) feet, except that for lots of record prior to the effective date of this ordinance there shall be a minimum lot width of fifty (50) feet at the front building line if such lot is used for single-family or two-family dwelling. A lot shall abut on a street for a distance of not less than thirty-five (35) feet.

(e). *Intensity of Use*:

(1). There shall be a lot area of not less than eight thousand four hundred (8,400) square feet for a single-family dwelling or two-family dwelling, and not less than eight thousand four hundred (8,400) square feet plus an additional area of not less than two thousand (2,000) square feet for each family, more than two, occupying a dwelling. *{Ord. 2721 07/28/2008}*

(2). There shall be a lot area of not less than eight thousand four hundred (8,400) square feet where a garage apartment is located on the same lot with a single-family dwelling. When a garage apartment is located on the same lot with a two-family or multiple-family dwelling, the lot area shall provide not less than two thousand (2,000) square feet more than is required for the two-family or multiple-family dwelling. *{Ord. 2721 07/28/2008}*

(3). Where a lot has less area than herein required and all boundary lines of that lot touch lands under other ownership on the effective date of this ordinance that lot may be used for any

use, except churches, permitted in the R-1 single-family dwelling district.

(4). For churches and main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this section and the off-street parking area required in Subchapter D.

(f). *Coverage*: Main and accessory buildings shall not cover more than thirty-five percent (35%) of the lot area. Accessory buildings shall not cover more than thirty percent (30%) of the rear yard.

8.202-5 HEIGHT REGULATIONS

No buildings shall exceed three and one-half (3 1/2) stories or forty-five (45) feet in height, except as provided in section 8.303.

8.202-6 OFF-STREET PARKING shall be provided in this district in accordance with the following schedule and Section 8.400:

8.202-6.1 ***Dwelling****:* Two (2) parking spaces for each dwelling unit.

8.202-6.2 ***Garage Apartments****:* Two (2) parking spaces for each dwelling unit.

8.202-6.3 ***Guest Rooms:*** One (1) parking space for each lodging room.

8.202-6.4 ***Parking & Driveway: Size, Location & Configurations:***

8.202-6.5 ***Individual parking spaces***, regardless of shape, shall provide a clear rectangular parking space of not less than nine (9) feet in width and a length of not less than twenty (20) feet (plus required accessibility space as required for Handicap Parking where applicable).

8.202-6.6 ***Parking Space*** shall be provided at a location off public right-of-way and out side of the sight clearance triangle at right-of-way intersections as prescribed elsewhere in this code.

8.202-6.7 ***Driveway Widths, Locations and Approach Configurations*** shall be constructed in accordance with the Public Works Codes as defined elsewhere in this code.

8.202-6.8 ***Off-street Driveway & Parking Areas*** shall be constructed and maintained with Asphalt, Concrete or other approved paving materials capable of supporting all vehicles used thereon, in all weather conditions, without emitting dust or mud onto adjacent street or adjoining property during normal and customary use.

8.203 C-1 Local-Commercial District

8.203-1 GENERAL DESCRIPTION

This commercial district is for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of the people of adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational and educational elements, more restrictive requirements for light, air, open space and off-street parking are made than are provided in other commercial districts.

8.203-2 USES PERMITTED

Property and buildings in a C-1, local commercial district, shall be used only for the following purposes:

(a). All uses permitted in an R-3 zone.

(b). Retail stores and shops supplying the regular and customary needs of the residents of the neighborhood and primarily for their convenience, as follows:

Antique shop
Apartment hotel
Appliance store
Arts school, gallery or museum
Artist materials, supply, studio
Assembly halls for non-profit corporations
Automobile service station
Automobile parking lot
Baby shop
Bakery goods store
Bank
Barber shop
Beauty shop
Book or stationery store
Camera shop
Candy store
Catering establishment
Child Care Center
Cleaning, pressing, laundry agency, providing cleaning and pressing is not done on the premises.
Curio or gift shop
Drug store or fountain
Dry Goods store
Department store
Dairy products or ice cream store
Delicatessen
Dress shop
Florist shop, greenhouse, nursery
Furniture
Golf club
Grocery store or supermarket
Hardware store
Hotel
Help-yourself laundry
Jewelry or notion store
Libraries

Lodge hall
Meat market
Medical facility
Messenger or telegraph service
Municipal use, public building and public utility
Museums
Music conservatories
Musical instrument sales
Newspaper or magazine sales
Office business
Office supply
Optometrists sales and service
Paint and decorating shop
Parking lot
Photographer studio
Pharmacy
Radio and television sales and service
Restaurant
Sewing machine sales, instruction
Sporting goods sales
Shoe repair shop
Tailor shop
Toy store
Variety store

(c). Name plate and sign relating only to the use of the store and premises or to produce sold on the premises. Lighted signs of flashing or intermittent type shall be prohibited.

(d). Accessory buildings and uses customarily incidental to the above uses.

(e). Any building used for any of the above enumerated uses may not have more than forty percent (40%) of its floor area devoted to purposes incidental to the primary use. No material or goods offered for sale or stored in connection with the uses enumerated in 1 through 4 above shall be displayed or stored outside of a building.

8.203-3 AREA REGULATIONS

The following requirements shall apply to all uses permitted in this district:

(a). *Front Yard*: All buildings shall set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth.

(b). *Side Yard*: On the side lot adjoining a dwelling district there shall be a side yard of not less than ten (10) feet. Whenever the rear lot line of a corner lot abuts a dwelling district the side yard adjacent to the street shall be not less than fifteen (15) feet in width. In all other cases no side yard shall be required.

(c). *Rear Yard*: Where a commercial building is to be serviced from the rear there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty (30) feet.

8.203-4 HEIGHT REGULATIONS

No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, except as hereinafter provided in section 8.303.

8.203-5 OFF-STREET PARKING shall be provided in this district in accordance with the following schedule and Section 8.400:

8.203-5.1 All of the lot used for the parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.

8.203-5.2 All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.

8.203-5.3 Driveways used for ingress and egress shall conform to standards and specifications set forth in the Public Works Code.

8.204 C-2 General-Commercial District

8.204-1 GENERAL DESCRIPTION

This commercial district is intended for the conduct of personal and business services and the general retail business of the community. Persons living in the community and in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

8.204-2 USES PERMITTED

Property and buildings in a C-2 general commercial district shall be used only for the following purposes:

(a). Any use permitted in a C-1 local commercial district.

(b). Amusement enterprises.

(c). New automobile sales and services, new machinery sales and services, and public garages, provided no gasoline is stored above ground; used automobile and machinery repairing if conducted wholly within a completely enclosed building but not including automobile or machinery wrecking establishments or junk yards.

(d). Advertising signs or structures
Apartments of new construction
Auto court or tourist court
Ambulance service office or garage
Bakery
Boat sales
Bus terminal
Carpenter and cabinet shop
Cleaning and dyeing works
Clothing or apparel store
Commercial school or hall
Dance hall
Department store
Drive-in theater or restaurant
Electric transmission station
Feed and fuel store
Frozen food locker
Furniture repair and upholstery
Funeral parlor or mortuary
Gasoline and oil retail distributing plant
Golf course, miniature or practice range
Heating, ventilating or plumbing supplies, sales and services
Interior decorating store
Ice storage locker plant or storage house for food
Key shop
Kennel
Laboratories, testing and experimental
Laundry
Leather goods shop
Metal and wood fencing, ornamental grill work and decorative wrought iron work and play equipment sales

Music, radio or television shop
Night club
Nursery or garden supply store
Outdoor advertising signs
Pawn shop
Pet shop
Printing shop
Recreation center
Research laboratories
Roller skating rink
Sign painting shop
Hospital for small animals
Sporting goods store
Stock and bond broker
Storage warehouse
Theater
Tavern
Toy store
Used automobile sales
Wholesale distributing center

(e). Buildings, structures and uses accessory and customarily incidental to any of the above uses, provided that there shall be no manufacture, processing or compounding of products other than such as are customarily incidental and essential to retail establishments.

(f). Any other store or shop for retail trade or for rendering personal, professional or business service which does not produce more noise, odor, dust, vibration, blast or traffic than those enumerated above.

No article or material stored or offered for sale in connection with uses permitted under paragraphs (a) through (f) above shall be stored or displayed outside the confines of a building unless it is so screened by permanent ornamental walls, fences or planting that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level, provided, however, that no screening in excess of seven (7) feet in height shall be required.

8.204-3 AREA REGULATIONS

(a). There are no specific front or side yard requirements for uses.

(b). *Rear Yard*: Where a commercial building is to be serviced from the rear there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty (30) feet in width. In all other cases no rear yard is required.

(c). Buildings shall be provided with a yard area adequate to meet the off-street parking requirements set forth in Subchapter D.

(d). Sight Triangles shall be reserved at street intersections per Section 8.302 (e) of this code.

8.204-4 HEIGHT REGULATIONS

No building shall exceed three and one-half (3 1/2) stories or forty-five (45) feet in height, except as provided in section 8.303.

8.204-5 OFF-STREET PARKING shall be provided in this district in accordance with the following

schedule and Section 8.400:

8.204-5.1 All of the lot used for the parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.

8.204-5.2 All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.

8.204-5.3 Driveways used for ingress and egress shall conform to standards and specifications set forth in the Public Works Code.

8.205 C-3 Highway-Commercial District

8.205-1 GENERAL DESCRIPTION

This commercial district is intended to provide a location for the conduct of services and retail business for motorists passing through the community and for the limited amount of merchandise, equipment and material being offered for retail sale that because of the type of material or transportation requirements are suitable for display and storage outside the confines of an enclosed building. Persons of the community, the surrounding trade territory, and motorists will require direct access. However, the concentration of shoppers will be much smaller and visits less frequent than in the general commercial district.

8.205-2 USES PERMITTED

Property and buildings in a C-3 Highway commercial District shall be used only for the following purposes:

Any use permitted in a C-2 zone
Antique shop
Automobile service station
Boat sales
Candy, curio, or gift shop
Drive-in theatre or restaurant
Farm implement and machinery, new and used
Gasoline and oil retail distributing plant
Golf course, miniature and practice range
Hotel or motor hotel
Outdoor advertising
Mobile home sales
Monument sales
New and used car and truck sales
Prefabricated house sales
Recreation center
Restaurant including liquor by the drink
Roller skating rink
Trailers for hauling, rental and sales
Travel trailer camp
Wholesale distributing center

The above enumerated uses shall comply with the following provisions:

(1) All open storage and display of merchandise, material and equipment shall be so screened by ornamental fencing or evergreen on ground level in an R-residential or a C-1 or C-2 Commercial district when located to the side or rear of the lot on which said open storage or display occurs; provided, however, that screening shall not be required in excess of seven (7) feet in height. All planting shall be kept neatly trimmed and maintained in good condition at all times. Merchandise and materials which are not completely assembled or which are not immediately and actively being offered for sale shall, in addition to complying with the above screening requirements, be so screened by ornamental fences or evergreen planting or by permanent buildings that it cannot be seen from a public street.
(2) All yards unoccupied with buildings or merchandise or used as traffic ways shall be landscaped with grass and shrubs and maintained in good condition around the yea
(3) All of the lot used for the parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.

(4) All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.
(5) Driveways used for ingress and egress shall conform to standards and specifications set forth in the Public Works Code.
(6) Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent streets, and shall not be of a flashing or intermittent type.

8.205-3 AREA REGULATIONS

The following requirements shall apply to ask uses permitted in this district.

(a) Front Yard: All buildings shall set back from the street right-of-way line to provide a front yard of not less than twenty-five (25) feet in depth.
(b) Rear yard: Where a commercial building is to be serviced from the rear there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty (30) feet in width. In all other cases no rear yard is required.
(c) Buildings shall be provided with a yard adequate to meet the off-street parking requirements set forth in subchapter D.

8.205-4 HEIGHT REGULATIONS

No building shall exceed two and one-half (2 ½) stories or thirty-five feet in height except as hereinafter provided in section 8.303.

8.206 I-1 Light-Industrial District

8.206-1 GENERAL DESCRIPTION

This industrial district is intended primarily for production and assembly plants that are conducted so the noise, odor, dust and glare of each operation is completely confined within an enclosed building. These industries may require direct access to rail, air or street transportation routes; however the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by the uses of the general industrial district. Buildings in this district should be architecturally attractive and surrounded by landscaped yards.

8.206-2 USES PERMITTED

Property and buildings in an I-1 light and industrial district shall be used only for the following purposes:

(a) Any use permitted in a C-3 highway commercial district.

(b) Any of the following uses:

- Bakery
- Bottling works
- Book bindery
- Candy manufacturing
- Engraving plant
- Electrical equipment assembly
- Electronic equipment assembly and manufacturing
- Food products processing and packing
- Furniture manufacturing
- Instrument and meter manufacturing
- Jewelry and watch manufacturing
- Laboratories, experimental
- Laundry and cleaning establishment
- Leather goods and fabrication
- Optical goods manufacturing
- Sporting goods manufacturing

All of the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit any dust or smoke, or noxious odor or fumes outside of the buildings housing the operation, or produce a noise level at the property line that is greater than the average noise level occurring on the adjacent street. Any article stored temporarily outside of an enclosed building as an incidental part of the primary operation shall be so screened by ornamental walls and fences or evergreen planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on the ground level.

8.206-3 AREA REGULATIONS

(a) Front yard: All buildings shall set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth.

(b) Side yard: No building shall be located closer than twenty-five (25) feet to a side lot line.

(c) Rear yard: No building shall be located closer than twenty-five (25) feet to the rear lot line.

(d) Coverage: Main and accessory buildings and off-street parking and loading facilities shall not cover more than eighty (80) percent of the lot area.

8.206-4 HEIGHT REGULATIONS

No buildings or structure shall exceed three and one-half stories (3 ½) stories or forty-five (45) feet in height, except as hereinafter provided in section 8.303 of these regulations.

8.206-5 OFF-STREET PARKING shall be provided in this district in accordance with the following schedule and Section 8.400:

8.206-5.1 All of the lot used for the parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.

8.206-5.2 All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.

8.206-5.3 Driveways used for ingress and egress shall conform to standards and specifications set forth in the Public Works Code.

8.207 I-2 General-Industrial District

8.207-1 GENERAL DESCRIPTION

This industrial district is primarily for the conduct of manufacturing, assembling and fabrication and for warehousing, wholesale and service uses. These do not depend primarily on frequent personal visits of customers or clients, but may require good accessibility to major rail or street transportation routes.

8.207-2 USES PERMITTED

Property and buildings in an I-2 general industrial district shall be used for the following purposes:

(a) Any use permitted in the I-1 light industrial district.

(b) Any of the following uses:
   (1) Building material sales yard and lumber yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, but not including a concrete batch plant or a transit mix plant.
   (2) Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
   (3) Freighting or trucking yard terminal.
   (4) Oilfield equipment storage yard.
   (5) Public utility service yard or electrical receiving or transforming station.
   (6) Sale barn.

(c) The following uses when conducted within a completely enclosed building:
   (1) The manufacturer, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products.
   (2) The manufacturer, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood, yarn, and paint not employing a boiling process.
   (3) The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
   (4) The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like.
   (5) Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
   (6) Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing and over-hauling, tire retreading or recapping, and battery manufacturing.
   (7) Blacksmith shop and machine shop, excluding punch presses over twenty (20) eons rated capacity, drop hammers, and automatic screw machines.
   (8) Foundry casting lightweight nonferrous metal not causing noxious fumes or odors.
   (9) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, and the like.

(d) Buildings, structures and uses accessory and customarily incidental to any of the above uses.
   The uses permitted under this section shall be conducted in such a manner that no noxious odor, fumes or dust will be emitted beyond the property line of the lot on which the use is located.

The following uses may be permitted on review by the City Planning Commission:

(a) Acid Manufacture

(b) Automobile salvage or junk yard

(c) Building materials salvage yard

(d) Cement, lime, gypsum or plaster of paris manufacture

(e) Explosives, manufacture or wholesale storage

(f) Gas Manufacture

(g) Junk or salvage yard of any kind

(h) Petroleum or its products, refining of

(i)Scrap metal storage yard

(j)Wholesale or bulk storage of gasoline, propane, or butane, or other petroleum products

(k) Any use not otherwise permitted in this ordinance

8.207-3 AREA REGULATIONS

(a) There are no specific front or side yard requirements for uses in this district.
(b) Rear yard: Where a building is to be serviced from the rear there shall be provided an alleyway, service court, rear yard or combination thereof of not less than thirty (30) feet in width or of adequate area and width to provide for maneuver of service vehicles, whichever is the greater. In all other cases no rear yard is required.
(c) Buildings shall be provided with a yard area adequate to meet off-street parking requirements set forth in subchapter D.

8.207-4 HEIGHT REGULATIONS

No building shall exceed three and one-half (3 ½) stories or forty-five (45) feet in height, except as hereinafter provided in section 8.303.

8.207-5 OFF-STREET PARKING shall be provided in this district in accordance with the following schedule and Section 8.400:

8.207-5.1 All of the lot used for the parking of vehicles, for the storage and display of merchandise and all driveways used for vehicle ingress and egress shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.

8.207-5.2 All servicing of vehicles and assembly of equipment carried on as an incidental part of the sales operation shall be conducted within a completely enclosed building.

8.207-5.3 Driveways used for ingress and egress shall conform to standards and specifications set forth in the Public Works Code.

8.208 A – AGRICULTURAL DISTRICT

8.208-1 GENERAL DESCRIPTION

This agricultural district is intended primarily for use in areas of the City on the outer edge of urbanized development. Subdivision of land to higher residential densities is usually premature in this district due to lack of adequate utility services, roadways or other transportation systems.

8.208-2 USES PERMITTED

Property and buildings in an A agricultural district shall be used only for the following purposes:

(a) The growing of agricultural crops, nursery stock, and gardening.

(b) The keeping of agricultural livestock in accordance with the ordinances of the City of Odessa relating thereto but not commercial feed lots or poultry processing.

(c) Public park or playground

(d) Detached one-family dwelling

(e) Accessory buildings which are not a part of the main buildings

8.208-3 AREA REGULATIONS

(a) Front Yard: All buildings shall be set back from street right-of-way lines to provide a front yard the minimum depth which shall not be less than twenty-five (25) feet.
(b) Side Yard: All buildings shall be set back from lot lines to provide a side yard of not less than ten (10) feet, except for a corner lot, the side yard adjacent to the street shall be not less than fifteen (15) feet in width.
(c) Rear Yard: There shall be a rear yard for a main building of not less than twenty (20) feet. Unattached buildings of accessory use may be located in the rear yard of a main building.
(d) Lot Width: For dwellings there shall be a minimum lot width of one hundred fifty (150) feet at the front building line, and such lot shall abut on a street for a distance of not less than one hundred (100) feet.
(e) Intensity of Use: For each dwelling, and buildings accessory thereto, there shall be a lot area of not less than three (3) acres.

8.209 COMMERCIAL-RESIDENTIAL TRANSITION OVERLAY (CRT)

Section 8.209 PURPOSE

The purpose of the Commercial-Residential Transition Overlay District is to provide for the buffering of the commercial and residential uses. Characteristics of this district generally include a mixture of land uses, where existing homes or vacant land is less suitable for residential purposes due to its proximity to existing commercial development and changing traffic patterns. The intent of the district is to protect the character of established residential neighborhoods from the type of land uses associated with high levels of noise, illumination, traffic and visual blight that are more common in intense commercial districts, while encouraging the convenient placement of such commercial uses for the benefit of the residents in locations compatible with the type and impact of the use.

Section 8.209-1 ESTABLISHMENT

There is hereby established a Commercial-Residential Transitional Overlay (CRT) District in all areas of the City of Odessa adjacent to the boundary between a C-1, C-2 or C-3 zone and an R-1, R-2, or R-3 residential zone, extending 300 feet into the commercial zone, measured perpendicularly from the district boundary line. The regulations applicable to property within the CRT shall be those of the underlying zoning district, in addition to the overlay district regulations set forth in this subchapter. In the event of conflict, the stricter requirement shall control.

Section 8.209-2 REVIEW PROCESS

To assure satisfaction and proper development of the Commercial-Residential Transition Overlay District, all new uses or changes in use shall be reviewed.

1) Land Development Plans as set forth in Section 8.800 shall be required for all commercial use applications to be developed under the CRT District guidelines.

2) Land Development Plans must include the following information in at least preliminary form: the overall development scheme, including location, proposed site layout, existing zoning, parking facilities, all adjacent highways and street and alleys with traffic flow patterns; a list of the kind of establishments to be located on the site and their floor areas; architectural sketches; landscaping plans, lighting plans; and engineering plans showing proposed methods of water runoff control with a storm water management plan, an erosion and sedimentation control plan and architectural elevations of the structure, including the design of the exterior wall surfaces and the type of materials to be used. The Land Development Plan must include a survey for the current property.

Section 8.209-3 PERMITTED USES

The following uses are permitted in a CRT Overlay District.
1) Single Family
2) Multiple Family Dwellings not to exceed four units
3) Accessory Use Buildings and Structures
4) Essential Services, Facilities and Institutions (Not Service Yards of Offices)
5) Home Occupations
6) Municipal Buildings
7) Public Parks and Playgrounds
8) Commercial/Office /services Uses (per table 1)

Table 1 – Permitted Uses

Permitted Uses Defined by this Ordinance
Child Care Center
Nursing Home
Office Building / Single Tenant
Office Building / Medical Dental
Restaurant (no liquor or drive thru)
Pharmacy
Convenience Store (open no more than 16 hours per day)
Specialty Retail
Banking Institution
Bed and Breakfast
Barber and Beauty Shops
Real Estate, Insurance, Travel
Retail Nursery Garden Center

Section 8.209-4 LOT AND AREA REQUIREMENTS

The following dimensions, unless specified otherwise, are the minimum requirement for the approval of uses within the CRT Overlay District.

1) Front Yard Depth Minimum: 25 feet minimum if both adjacent uses have a front yard more than 25 feet deep, the minimum front yard depth is then the greater of the two adjacent yard depths.

2) Rear Yard Depth: 30 feet minimum

3) Side Yard Depth; 15 feet for each side yard

4) Exterior Side Yard Depth; 15 feet

Lots of less than 80 feet frontage width are subject to side yard depth of 20% of the total lot width (minimum side yard depth is 10 feet)

5) Principal Building Coverage 50% maximum

a) Accessory Building Size: 500 square feet minimum
b) Building Height 24 feet

c) Accessory Building Height 15 feet maximum

6) All residential uses shall comply with the standards and criteria which would be applicable for the use in a residential R-1, R-2 or R-3 zone for single, double, or high density residential use, as the case may be.

7) Applications for approval for commercial uses in the Commercial-Residential Transition Overlay District shall follow the same procedure for a Land Development Plan under Section 8.800.

Section 8.209-5 LANDSCAPING AND PLANTING

1) A landscaped periphery shall be provided and maintained for a depth of ten (10) feet along the side and rear property lines, except where natural or physical barriers exist that are determined by the Planning and Zoning Commission to fulfill the landscaping requirement.

2) The landscaping shall be composed of plants and trees arranged to form both a low-level and a high-level landscaping arrangement. The high-level screen shall consist of trees planted with specimens no less than six (6) feet in height for evergreens and one-and-one-half-inch caliper for ornamental trees. The same shall consist of shrubs or hedges planted at an initial height of not less than two feet.

3) A landscaped area adjacent to the main building shall also be provided for a minimum of ten (10) feet in width from the building. A mixture of grass or ground cover, shrubs and trees of Specimen quality shall be located in the landscaped area. Shade trees may be planted up to five (5) feet apart. These are minimum standards. Trees and shrubs shall be interspersed, recommended or approved.

4) Parking areas must be landscaped in order to relieve the barren appearance which most parking lots possess.

5) All areas not covered with impervious surface or buildings shall be landscaped.

6) Artificial plants shall are prohibited to meet the requirements of this section.

7) Adequate consideration shall be given to sight distance during review of both plant material and its location.

8) Any vegetation relied upon to meet the requirements of this section which dies must be replaced with new stock.

Section 8209-6 OFF-STREET PARKING AND LOADING

1) The regulations dealing with off street parking and loading in Section 8.406 are applicable, although, in the event of conflicting provisions, the more strict regulation shall apply. All off-street parking and loading areas shall be screened from abutting property zoned residential or used for residential purposes. Screening of all parking areas shall be accomplished by the placement of adequate earth berms, or solid fences, constructed of wood or masonry (plain concrete block, cinder block, chain link are prohibited) and the plantings or the provision and maintenance of solid plantings in the form of contiguous trees and shrubs.

2) Outside refuse areas shall be screened with solid fences constructed of wood or masonry (concrete or cinder blocks, chain link are prohibited) at a height sufficient to obstruct sight, but not to exceed eight (8) feet in height.

3) Any off-street parking area shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as concrete or bituminous concrete surface and shall be arranged as to provide for orderly and safe parking and storage of vehicles.

4) For other uses that do not fit into one of the categories listed in determination of the appropriate parking space requirements shall be made by the Planning & Zoning Commission.

5) Off-site parking spaces may be located on a lot other than that containing the principal use as a conditional use.

6) Damages barriers such as fencing shall be maintained and required as necessary, to meet the requirements of this section.

Section 8.209-7 LOADING AND UNLOADING SPACE

In addition to the off-street parking space required above, any building erected, converted or enlarged for any nonresidential use shall provide adequate off-street areas for loading and unloading vehicles. Uses that require pickup and or delivery service by tractor-trailer shall not schedule pick-up and or delivery service by such vehicles between the hours of 9:00 p.m. and 7:00 a.m.

Section 8.209-8 ARCHITECTURAL STANDARDS

1) Development character. The Commercial-Residential Transition Overlay District adjoins existing residential neighborhoods. The architectural character of projects developed within this corridor for new buildings shall preserve this residential quality and respect the residential scale through the appropriate design and scale of proposed buildings, materials use, landscaping and lighting. A residential character is the goal for developments within this district that will blend with the existing residential neighborhoods and preserve the qualities of them. This character will be achieved by using basic guidelines defining height restrictions, materials use, roof treatment, landscaping, site lighting and signage requirements. Those basic guidelines will permit individual flexibility in design and treatment of proposed projects by specifying critical parameters.

2) Design guidelines. To ensure that office / commercial projects within the district reflect a desirable image of this district, the following architectural guidelines shall be required for uses in the CRT.

a) Materials use. All principal and accessory structures shall be constructed primarily of brick, stone, stucco, fireproof precut stucco or clay tile material and architectural wood siding.

b) Glazing. Glazing areas shall not exceed forty percent (40%) of the exterior skin of the structure. Mirrored glazing is not permitted within the district; solar absorption/reflective glazing area are an acceptable material.

c) Screening. All mechanical equipment (H.V.A.C.) shall be screened from public view and constructed of materials consistent with the primary building.

d) Accessory Structures. All accessory structures shall be constructed using materials consistent with the primary building.

e) Pole signs are not permitted.

Section 8.209-9 – EXTERIOR LIGHT STANDARDS

1. Purpose. To allow for the safety and security of a site without disturbance to adjacent property owners or the motoring public, lighting regulations are provided. A lighting plan with fixture type and manufacturer's data shall be provided.

2. Definitions. As used in this section the following terms shall have the meanings indicated. CUTOFF – The point at which all light rays emitted by a lamp, light source or luminaries are completely eliminated (cut off) at a specific angle above the ground. FOOT CANDLE – A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform source of one (1) candle.

3. Standards:
   a) All parking areas, driveways and loading areas, entryways, and pedestrian paths shall be provided with a light system that shall furnish a minimum of zero and five tenths (.05) foot candles with any part of such areas. Vertical cutoff lighting is preferred, although alternative lighting systems may be proposed that do not cause a spillover of lighting onto traffic on any public right of way or onto residential property of more than zero and two tenths (.02) foot candles.

   b) Mounting heights of lighting fixtures may not exceed sixteen (16) feet. Where raised islands are used to separate parking stalls, the poles may be placed on the island.

   c) At the time any exterior lighting is installed or substantially modified and whenever a site plan approval is sought, an exterior lighting plan shall be submitted with the Land Development Plan in order to determine whether the requirements of this section have been met.

Section 8.209-10 – PERFORMANCE STANDARDS

Notwithstanding any other provision of this Ordinance, it shall be unlawful for any person to erect, or construct any building or improvement, or any part thereof, on a site located in a CRT Overlay District, unless the following conditions are met.

1) No mechanical venting faces ay residential use;

2) No mirrored or reflective glass or material is used on the façade of the building, structure or improvement, which faces any residential use;

3) No loading dock faces any residential use (except for non-corner lots and lots separated by an alley or other right of way;

4) No deliveries shall be received and no loading or unloading shall be permitted prior to 7:00 a.m. or later than 9:00 p.m., unless the deliveries, loading or unloading operation is conducted entirely within an enclosed structure, or the deliveries, loading or unloading are conducted exclusively from a public right-of-way that is not adjacent to a residential zone;

5) All commercial refuse bins shall remain closed at all times;

6) The employees, agents, associates or contractors of a business shall not engage in conduct or activity which substantially or unreasonably disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area during non-business hours. The factors which shall be considered in determining which activity described above violates this requirement are:

a) The volume of noise;

b) Whether the nature of the noise is usual or unusual;

c) Whether the nature of the noise is natural or unnatural;

d) The proximity of the noise to the residential sleeping area;

e) The time of day or night the noise occurs;

f) The duration of the noise;

g) Whether the noise is recurrent, intermittent, or constant;

7) Public address systems and/or loud speakers outside of any building are prohibited.

8) The number of employees in any business establishment shall be limited to those necessary for the conduct of the on-site business and no person shall be engage in the activity of processing, fabricating or repairing goods for delivery or sale at other locations.

9) No business within a CRT Overlay District shall be open between the hours of 11:00 p.m. and 7:00 a.m., unless specifically approved by the Planning and Zoning Department.

10) Outdoor storage or display of materials or products is prohibited, except for display of ornamental flowers and plants for a garden center.

11) Accessory buildings will conform to the side yard setback requirements of the primary structure and may be located within ten (10) feet of the rear lot line.

12) Accessory buildings larger than five hundred (500) square feet are not permitted.

13) Each year, prior to issuing a business license or the renewal of a business license, establishments within the CRT Overlay District shall present evidence of compliance with the requirements of this Ordinance.

14) Based on the above, the Zoning Officer shall make a determination and take any necessary action for enforcement of these provisions under the authority of this Ordinance.

SUBCHAPTER C ADDITIONAL DISTRICT PROVISIONS

8.301 CONDITIONS OF A MORE RESTRICTED DISTRICT

Whenever the specific district regulations pertaining to one district permit the uses of a more restricted district, such uses shall be subject to the conditions as set forth in the regulations of the more restricted district unless otherwise specified.

8.302 OPEN SPACE

No open space or lot area required for a building or structure shall during its life be occupied by, or counted as open space for any other building or structure.

(a). Open eaves, cornices, windowsills, and belt courses may project into any required yard a distance not to exceed one (1) foot. Open porches may project into a front or rear yard a distance not to exceed five (5) feet.

(b). Where the dedicated street right-of-way is less than sixty (60) feet, the depth of the front yard shall be measured starting at a point thirty (30) feet from the center line of the street easement.

(c). No dwelling shall be erected on a lot which does not abut on at least one paved public street for at least thirty-five (35) feet and have a width of at least fifty (50) feet at the building line. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress. A garage apartment may be built to the rear of a main dwelling if all other provisions of these regulations are complied with.

(d). No minimum lot sizes and open spaces are prescribed for commercial and industrial uses. It is the intent of this ordinance that lots of sufficient size be used by any business or industry to provide adequate parking and loading and unloading space required for operation of the enterprise.

(e). Except as provided for in this subsection, corner lots shall be maintained free of sight obstructions formed by grading, landfill, opaque structures, tree foliage or dense vegetation having a height in excess of three (3) feet above the base elevation, defined for this purpose as the lowest point of the crown of the adjacent roadway, creating a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of thirty (30) feet along said front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersection.

EXCEPTIONS

1. Sign boards, building projections and tree foliage may extend over or be supported above the sight triangle as long as the sight triangle is unobstructed under the entire bottom of the same for a height of at least ten (10) feet above the street crowns' base elevation defined herein.
2. Support members for structures listed in item 1 above, as well as private and public utility signs, poles, cables, masts, and tree trunks or plant stalks or stems (without foliage) shall not be classified as obstructions unless they are of a quantity or configuration such that they are interpreted as such by the Codes Enforcement Officer or the Traffic Engineer.
3. Temporary barriers, carnival equipment and similar obstructions may be placed in the sight triangle when approved by the Traffic Engineer.

8.303 HEIGHT

The regulations herein set forth qualify or supplement, as the case may be, the specific district regulations appearing in subchapter B.

(a). In measuring heights, a habitable basement or attic shall be counted as a story, provided that a story in a sloping roof, the area of which story at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area of the story immediately below it and which does not contain an independent apartment, shall be counted as a half story.

(b). Chimneys, elevators, poles, spires, tanks, towers, and other projections not used for human occupancy may extend above the height limit.

(c). Churches, schools, hospitals, sanitariums, and other public and semi-public buildings may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required in the district are increased one (1) foot for each two feet by which the height of such public or semi-public structure exceeds the prescribed height limit.

8.305 ANIMALS

Animals in any district shall be kept only in accordance with the Ordinances of the City of Odessa.

8.306 STORAGE OF LIQUEFIED PETROLEUM GASES

The use of land or buildings for the commercial wholesale or retail storage of liquefied petroleum gases shall be in accordance with the Ordinances of the City of Odessa.

8.307 MOBILE AND MANUFACTURED HOMES

8.307.1 Definitions

Mobile Homes: A transportable, factory-built home designed to be used as a residential dwelling and built prior to the enactment of the Federal Manufactures Home Construction and Safety Standards Act of 1974.

Manufactured Home: A factory-built structure or structures which, in the traveling mode, is eight body feet or more in width, or when erected on site contains three hundred twenty or more square feet, equipped with the necessary service connections and made so as to be readily movable as a unit or units on its own or their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation. The phrase “without a permanent foundation” indicates that the support system is constructed with the intent that the manufactured home place thereon may be moved from time to time at the convenience of the owner. [RSMo 700.010 (5)]

Modular Unit: A transportable building unit designed to be used by itself, or be incorporated with similar units at a point-of-use into a modular structure to be used for residential, commercial, educational, or industrial purposes. This definition shall not apply to structures under, six hundred fifty square feet used temporarily and exclusively for construction site office purposes. [RSMo 700.010 (7)]

Mobile Home Park: Any development, site, parcel or tract of land designed, maintained or intended to be used for the purpose of providing long term accommodation of more than thirty (30) days for placement of two (2) or more mobile homes and shall include all buildings used or maintained for the use of the residents of the development.

8.307.2 Areas Permitted – Manufactured homes and modular homes with or without a permanent foundation shall not be permitted outside a mobile home park without prior approval from the Planning & Zoning Commission. Mobile homes, as defined herein, with or without a permanent foundation are not permitted outside a mobile home park.

Exception: Mobile Homes of any installation or manufactures or modular homes not placed on a permanent foundation, legally placed outside an approved mobile home park and inhabited prior to the passage of this regulation. Should that mobile home or manufactured home be demolished or removed, in order to continue such use, another mobile or manufactured home must be replaced within 30 days time from the removal date of the pre-existing home. Any replacement must be dated after 1974 and bear the seal, device, label or insignia issued by the Public Service Commission, U.S. Department of Housing and Development, or its agent, to be displayed on the exterior of the mobile home or manufactured home to evidence compliance with the Federal Manufactured Home Construction and Safety Standards Act of 1974.

8.307.3 Temporary Trailers – Temporary use of trailers as living quarters for and by those persons temporarily deprived of the use of their permanent living quarters by fire, flood, tornado, wind storm or other catastrophe may be authorized by the Zoning Administrator subject to the following terms:

(a) Such use of such trailer shall be limited to the time required to repair permanent living quarters.
(b) Such trailer shall be located on the same lot(s) as the damaged quarters.
(c) Such use shall be allowed only upon application to and approval of the Zoning Administrator.

8.307.4 Replacement of Mobile or Manufactures Home within Mobile Home Parks.

Any replacement mobile or manufactured home within a mobile home park must be dated after 1974 and bear the seal, device, label or insignia issued by the Public Service Commission, U.S. Department of Housing and Development, or its agent, to be displayed on the exterior of the mobile home or manufactured home to evidence compliance with the Federal Manufactured Home Construction and Safety Standards Act of 1974.

8.307.5 Mobile and Manufactured Home Construction Standards

(a) All mobile and manufactured homes shall comply with the construction standards as set forth in the Code of Federal Regulations, Title 24, Section 3280 Manufactured Home Construction and Safety Standards from the Office of Assistant Secretary for Housing, HUD, revised 04/2009 and subsequent revisions.
(b) All mobile and manufactured structures, modular homes, and mobile home parks shall be maintained in accordance with the adopted codes and ordinances of the City of Odessa.

8.308 INSTALLATION AND MAINTENANCE OF FENCES, WALLS, AND HEDGES INCLUDING THE ISSUANCE OF PERMITS

Section 1.

A fence (wood, chain link, wrought iron, and plastic fences), walls (concrete, stucco, and, masonry) or hedge not more than three and one-half (3.5) feet in height may be maintained and located on any part of a lot. Those in excess of three and one-half (3.5) feet may be located as follows:

A. Permits Required. No fence, wall or hedge over three and one-half feet in height in the City of Odessa shall be erected, modified or changed in any manner until a permit application has been reviewed and approved by the zoning administrator. Such application shall be filed upon forms provided by the City and shall clearly show the type of fence to be erected, modified or changed, the material to be used, and the placement location.

B. Maximum Height. The maximum height requirements shall be as follows:

a. A fence, wall, or hedge not more than six (6) feet in height may be maintained and located on any part of an interior or corner lot, to the rear of the required front and exterior side yard setbacks;

b. Portions of fences or walls over six (6) feet in height, to enclose tennis courts or other game areas, and located where six (6) foot fences are otherwise permitted, shall be composed of wire mesh capable of admitting at least ninety (90) percent of available light as measured on a light meter. Such fences over six (6) feet in height may be permitted subject to approval of the zoning administrator. In any commercial or industrial zone, fences, walls or hedges may be allowed or required to a maximum height of nine (9) feet if it is determined by the zoning administrator that said increase in height is necessary to protect the public health, safety, or general welfare and would have no detrimental effect upon the surrounding neighborhood.

C. Setbacks. Fences, walls or hedges over three and one-half (3.5) in height shall not encroach into a required exterior front setback. Fences may extend onto or enclose required interior and exterior setbacks on corner lots, provided that any fence that is over three and one-half feet in height shall be set back from the right-of-way line at least eight (8) feet, except wrought iron fence, which shall be exempt from exterior side setback requirements.

D. Corner Visibility. No fence, wall, or hedge shall be constructed that will constitute a traffic hazard.

E. Easements. A fence, wall, or hedge over three and one-half (3.5) in height shall not be constructed over any dedicated public drainage or utility easement; however, it may be permitted subject to the approval of the zoning administrator if in the opinion that it will insure a more pleasing aesthetic effect to the adjacent areas.

F. Construction and Materials. Fences shall be constructed in a workmanship-like manner so that the horizontal and vertical support posts are inside the fence area or otherwise hidden from view of those on the outside of the fenced area. This requirement shall not apply to fences that abut non-residential zoning districts. All exposed steel except galvanized metal shall have a color finish coat applied to them and be preserved against rust and corrosion. Landscaping shall be required between the wall, fence, or hedge and the sidewalk if said wall, fence or hedge is not located at the edge of the sidewalk.

G. Prohibited. The following fences shall be prohibited in all zoning districts:

a. Barbed wire and/or visible electric fences are not permitted except in agricultural zoning districts; however, barbed wire is permitted on commercial and industrial zoning districts only on brackets over six (6) feet fences, for security purposes;

b. Fences constructed of more than two (2) different types of fencing material;

c. Fences constructed in whole or in part of cloth, canvas or other like material;

d. Fences used as signs; and

e. Fences constructed solely of single wire or of two (2) wire between posts and supports.

H. Swimming Pools. Fences enclosing swimming pools shall meet the requirements of the IBC 3109 and IPMC 303.2.

I. Grandfather Clause. A grandfather clause will be allowed for any prior fencing that does not meet the above requirements prior to the issuance of this ordinance and will only be enforced on new installations. Except as indicated below:

J. Design and maintenance. All fences shall be maintained in their original upright condition. Fences designed to be painted or have other surface finishes shall be maintained in their original condition as designed. Missing boards, pickets or posts shall be replace in a timely manner with material of the same type and quality. If, in the opinion of the zoning administrator, vegetative growth on said fence does not provide a pleasing or aesthetic effect to the adjacent areas, such vegetative growth shall be removed in a timely manner.

K. Masonry Walls. Masonry walls are subject to approval from the zoning administrator. Masonry walls shall have footings that extend below the frost line (36”).

L. Dog Kennel. A doghouse, run, or other similar enclosure, either temporary or permanent, designed for the long term housing of dogs or other domestic animals. Dog kennels as defined in this Ordinance shall be considered an accessory structure and therefore not be allowed in the front yard, as per the requirements for accessory structures in all zones, as stated on the Odessa Development Ordinance Chapter 8.

Section 2.

Any person who erects or maintains a fence, wall or hedge, in violation of this ordinance shall be guilty of a misdemeanor and shall be subject to fine and imprisonment not to exceed $500.00 per day of violation and 6 months.

8.309 ACCESSORY BUILDINGS.

An accessory building is a building or structure that is subordinate to the principal building or principal use in terms of area, extent and purpose. It contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served and it is customarily found in association with the subject principal use or building. Any accessory building or structure attached to the principal building shall be made structurally a part of the principal building and shall comply in all respects with the requirements of adopted building codes and regulations applicable to the principal building.

Unless otherwise expressly stated, accessory buildings and structures are subject to the same regulations as the principal use or structure on the subject lot.

8.309.1 Regulations.
Regulations regarding accessory structures shall be as follows:

(a) One story detached accessory structures used as tool and storage sheds, playhouses, and similar uses provided the floor area does not exceed one hundred twenty (120) square feet are not required to obtain a building permit. (2006 International Residential Code Section 105.2)
(b) Accessory buildings and structures may be constructed no more than one hundred eighty (180) days prior to the commencement of construction of the principal building or principal use served.
(c) Accessory structures must be located on the same lot as the principal building to which they are accessory.
(d) Accessory buildings and structures are not permitted in front yards.
(e) Accessory buildings may not exceed the height of the principal building on the lot.
(f) Accessory structures and buildings in any R-1 zone may not cover more than 20% of the required rear yard. Steel transportation storage containers are not permitted in any residential zone.
(g) No accessory structure, other than a fence or wall, shall be located within any platted or recorded easement (other than a drainage easement), or over any known utility.
(h) All accessory buildings and structures shall be considered in the calculation of lot coverage.

[*Amended by Ordinance No. 2884, 8-25-14*]

8.309.2 Description of accessory uses:

(a) Fences and walls, subject to fencing ordinance; see section 8.308
(b) Garages, carports and off-street parking and loading areas;
(c) Gardens, greenhouses;
(d) Gates and guard houses;
(e) Home occupations per Section 8.105 (#28) of the Odessa Community Development Code)
(f) Dog kennels, dog houses or other similar enclosure for domestic animals;
(g) Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings Recreational and play facilities for resident;
(h) Storage of recreational equipment such as boats, boat trailers, camping trailers, and house trailers provided that storage shall be limited to private garages, on approved surfaces in side or rear yards of private homes, and in the paved driveways of private homes. Stored vehicles or equipment shall not protrude onto public property or obstruct any sidewalks.
(i) Swimming pools, which must be set back at least ten (10) feet from the side and rear property lines;
(j) Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any development and performance standards imposed by the Zoning Administrator to ensure land use compatibility.

8.309.3 Setbacks.
Setbacks for accessory structures shall be as follows unless otherwise specified:

(a) R-1A AND R-1B DISTRICT:

(1) Front Yard: With the exception of an attached front porch addition, accessory structures shall not be permitted in the front yard.

Exception: If twenty-five (25) percent or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have observed an average setback line of greater than twenty-five (25) feet, and no building varies more than five (5) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings, but this regulation shall not require a front yard of greater depth than forty (40) feet.

(2) Side yard: The side yard setback for interior lots shall be no less than five (5) feet. Accessory structures located in the rear fifty (50) feet of the lot shall have a side yard setback of not less than three (3) feet. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case.

(3) Rear Yard: Accessory structures shall be no closer to the rear property line than five (5) feet.

[*Amended by Ordinance No. 2884, 8-25-14*]

(b) R-1C DISTRICT:

(1) Front Yard: With the exception of an attached front porch addition, accessory structures shall not be permitted in the front yard.

(2) Side Yard: For unattached buildings of accessory use there shall be a side yard of not less than six (6) feet; provided, however, that unattached one-story building of accessory use shall not be required to set back more than five (5) feet from an interior side lot line when all parts of the accessory building are located not more than fifty (50) feet from the rear property line.

(3) Rear Yard: Accessory structures shall be no closer to the rear property line than five (5) feet.

[*Amended by Ordinance No. 2884, 8-25-14*]

(c) R-1D DISTRICT:

(1) Front Yard: With the exception of an attached front porch addition, accessory structures shall not be permitted in the front yard.

(2) Side Yard: For dwellings located on interior lots there shall be a side yard on each side of the main building of not less than thirty (30) feet. For unattached buildings of accessory use there shall be a side yard of not less than ten (10) feet; provided, however, that unattached one-story building of accessory use shall not be required to set back more than five (5) feet from an interior side lot line when all parts of the accessory building are located not more than fifty (50) feet from the rear property line. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than thirty-five (35) feet.

(3) Rear Yard: Accessory structures shall be no closer to the rear property line than five (5) feet.

[*Amended by Ordinance No. 2884, 8-25-14*]

(d) R-1E DISTRICT:

(1) Front Yard: With the exception of an attached front porch addition, accessory structures shall not be permitted in the front yard.

(2) Side Yard : For unattached buildings of accessory use there shall be a side yard of not less than ten (10) feet; provided, however, that unattached one-story building of accessory use shall not be required to set back less than ten (10) feet from an interior side lot line when all parts of the accessory building are located not more than fifty (50) feet from the rear property line. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than forty (40) feet**.**

(3) Rear Yard: Accessory structures shall be no closer to the rear property line than five (5) feet.

[*Amended by Ordinance No. 2884, 8-25-14*]

(e) R-2, AND R-3 DISTRICTS

(1) Front Yard: With the exception of an attached front porch addition, accessory structures shall not be any closer to the street than the principal building. The minimum depth of the front yard shall be twenty-five (25) feet.

Exception: If twenty-five (25) percent or more of the lots on one side of the street between two intersecting streets are improved with buildings all of which have observed an average setback line of greater than twenty-five (25) feet, and no building varies more than five (5) feet from this average setback line, then no building shall be erected closer to the street line than the minimum setback so established by the existing buildings, but this regulation shall not require a front yard of greater depth than forty (40) feet.

(2) Side yard: The side yard setback for interior lots shall be no less than five (5) feet. Accessory structures located in the rear fifty (50) feet of the lot shall have a side yard setback of not less than three (3) feet. For dwellings and accessory buildings located on corner lots there shall be a side yard setback from the intersecting street of not less than fifteen (15) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case.

(3) Rear Yard: Accessory structures shall be no closer to the rear property line than five (5) feet.

[*Amended by Ordinance No. 2884, 8-25-14*]

(f) C-1 ZONES:

(1) Front Yard: All buildings shall set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth.

(2) Side Yard: On the side lot adjoining a residential district there shall be a side yard of not less than ten (10) feet. Whenever the rear lot line of a corner lot abuts a dwelling district, the side yard adjacent to the street shall be not less than fifteen (15) feet in

width. In all other cases no side yard shall be required.

(3) Rear Yard: Where a commercial building is to be serviced from the rear there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty (30) feet.

(g) C-2 ZONE:

(1) There are no specific front or side yard requirements for uses.

(2) Rear Yard: Where a commercial building is to be serviced from the rear there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty (30) feet in width. In all other cases no rear yard is required.

(h) C-3 ZONE:

(1) Front Yard: All buildings shall set back from the street right-of-way line to provide a front yard of not less than twenty-five (25) feet in depth.

(2) Rear yard: Where a commercial building is to be serviced from the rear there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty (30) feet in width. In all other cases no rear yard is required.

(3) Buildings shall be provided with a yard adequate to meet the off-street parking requirements set forth in subchapter D.

(i) I-1 ZONES:

(1) Front yard: All buildings shall set back from the street right-of-way line to provide a front yard having not less than twenty-five (25) feet in depth.

(2) Side yard: No building shall be located closer than twenty-five (25) feet to a side lot line.

(3) Rear yard: No building shall be located closer than twenty-five (25) feet to the rear lot line.

(j) I-2 ZONES:

(1) There is no specific front or side yard requirements for uses in this district.

(2) Rear yard: Where a building is to be serviced from the rear there shall be provided an alleyway, service court, rear yard or combination thereof of not less than thirty (30) feet in width or of adequate area and width to provide for maneuver of service vehicles, whichever is the greater. In all other cases no rear yard is required.

(k) AGRICULTURE ZONE:

(1) Front Yard: All buildings shall be set back from street right-of-way lines to provide a front yard the minimum depth which shall not be less than twenty-five (25) feet.

(2) Side Yard: All buildings shall be set back from lot lines to provide a side yard of not less than ten (10) feet, except for a corner lot, the side yard adjacent to the street shall be not less than fifteen (15) feet in width.

(3) Rear Yard: There shall be a rear yard for a main building of not less than twenty (20) feet. Unattached buildings of accessory use may be located in the rear yard of a main building.

SUBCHAPTER D OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING

8.400 GENERAL INTENT AND APPLICATION

It is the intent of these requirements that adequate parking and loading facilities be provided off the street for each use of land within the City. Requirements are intended to be based on the demand created by each use. These requirements shall apply to all uses in all districts.

8.401 REQUIRED OPEN SPACE

Off-street parking or loading space shall be a part of the required open space associated with the permitted use and shall not be reduced or encroached upon in any manner.

(a.) The area required for off-street parking shall be in addition to the yard areas herein required except that the front yard required in a C-1 Local Commercial District may be used for the uncovered parking area for six (6) or less vehicles associated with a residential use when the area is surfaced with a pavement adequate to prevent the occurrence of mud and dust with continued use, or may be used for uncovered parking area for more than six (6) vehicles in accordance with the provisions of Section 8.406 below.

8.402 LOCATION

The off-street parking lot shall be located within two hundred (200) feet, exclusive of street and alley widths, of the principal use and shall have direct access to a public street.

Driveways for all one and two family dwellings shall be located upon the same parcel in which the principal use is constructed and shall have direct access to a public street. *{Ord. 2654 08-14-2006}*

8.403 OWNERSHIP

The ownership of land upon which the off-street parking is provided shall be the same as the ownership of land upon which the principal use is located.

8.404 SIZE OF OFF-STREET PARKING SPACE

The size of a parking space for one vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area for ingress and egress.

8.405 AMOUNT OF OFF-STREET PARKING AND LOADING REQUIRED

Off-street parking and loading facilities shall be provided in all districts in accordance with the following schedule:

1. ***Dwelling*:** Two (2) parking spaces for each separate dwelling unit within the structure.

2. ***Boarding or rooming house or hotel*:** One (1) parking space for each two (2) persons provided overnight accommodations.

3. ***Hospitals*:** One (1) space for each four patient beds, exclusive of bassinets, plus one (1) space for each staff or visiting doctor, plus one (1) space for each three (3) employees including nurses, plus adequate area for the parking of emergency vehicles.

4. ***Medical or Dental Clinics or Offices*:** Four (4) spaces per doctor plus one (1) for each

two (2) employees.

5. ***Sanitariums, Convalescent or Nursing Homes*:** One (1) space for each six (6) patients beds plus one (1) space for each staff or visiting doctor plus one (1) space for each four (4) employees including nurses.

6. ***Community Center, Theater, Auditorium, Church Sanctuary*: One** (1) parking space for each five (5) seats, based on maximum seating capacity.

7. ***Convention Hall, Lodge, Club, Library, Museum, Place of Amusement or Recreation*:** One (1) parking space for each fifty (50) square feet of floor area used for assembly or recreation in the building.

8. ***Office Building*:** One (1) parking space for each three hundred (300) square feet of gross floor area in the building, exclusive of the area used for storage, utilities and building service area.

9. ***Commercial Establishments Not Otherwise Classified*:** One (1) parking space for each one hundred fifty (150) square feet of floor space in the building used for retail trade, or used by the public, whichever is the greater.

10. ***Industrial Establishments*:** Adequate area to park all employees and customers vehicles at all times and adequate space for loading and unloading and storing all vehicles used incidental to or as a part of the primary operation of the establishment.
For all uses not covered in (1) through (10) above, the Odessa Planning Commission shall make a determination of the parking demand to be created by the proposed use, and the amount of parking thus determined shall be the off-street parking requirement for the permitted use.

8.406 OFF-STREET PARKING LOTS IN RESIDENTIAL DISTRICTS

Whenever off-street parking lots for more than six (6) vehicles are to be located within or adjacent to a residential district, the following provisions shall apply:

1. All sides of the lot abutting the residential district shall be enclosed with an opaque ornamental fence, wall or dense evergreen hedge having a height of not less than five (5) nor more than six (6) feet, unless all adjacent property owners agree at a public hearing held by the Board of Aldermen after each has been served a ten (10) day written notice of said meeting, that said fence is not required. Said fence, wall or hedge shall be maintained in good condition.

2. No parking shall be permitted within a front yard set-back line established ten (10) feet back of the property line of interior and corner lots wherever the parking lot is located in a residential district or immediately abuts the front yard of a residential unit. In all other cases no setback shall be required; however, that on any corner lot formed by two (2) intersecting streets no parking shall be permitted, and no wall, fence, sign, structure or plant growth having a height in excess of three (3) feet above the elevation of the crown of the adjacent roadway surface shall be maintained in a triangle formed by measuring a distance of thirty (30) feet along said front and side lot lines, from their point of intersection, and connecting the points to established to form a triangle on the area of the lot adjacent to the street intersection.

3. All yards shall be landscaped with grass, shrubs and evergreen ground cover and maintained in good condition the year round.

4. Driveways used for ingress and egress shall be confined to and shall not exceed twenty-five (25) feet in width, exclusive of curb returns.

5. All of the lot used for parking and driveway purposes shall be paved with a sealed

surface pavement and maintained in such a manner that no dust will be produced by continued use.

6. The intensity of light and arrangement of reflectors shall be such as not to interfere with residential district uses.

7. No sign of any kind shall be erected except information signs used to guide traffic and to state the conditions and terms of the use of the lot. Only non-intermittent incandescent lighting of signs shall be permitted.

SUBCHAPTER E, NONCONFORMING BUILDINGS, STRUCTURES AND USES OF LAND

8.500 NONCONFORMITIES IN GENERAL

Within the zoning districts established by this Chapter or its subsequent amendment, there exist a) lots; b) structures; c) uses of structures; e) uses of land and structures in combination; and f) characteristics of use, which were lawful before this Chapter was adopted or amended, but which would now be prohibited, regulated or restricted under the terms of this Chapter or its subsequent amendment. Such instances shall hereafter be considered lawful nonconformities.

8.501 STATEMENT OF INTENT

(a) It is the intent of this Chapter to recognize the legitimate interest of owners of lawful nonconformities by allowing such lawful nonconformities to continue, but to control the expansion of the nonconformity and to control re-establishment of abandoned uses and limit re-establishment of buildings and structures hat have been substantially destroyed. At the same time, it is recognized that lawful nonconformities may substantially and adversely affect the orderly development, maintenance, use and taxable value of other property in the same zoning district, property that is itself subject to the regulations and terms of this Chapter. In order to secure eventual compliance with the standards of this Chapter, it is therefore necessary to carefully regulate lawful nonconformities and to prohibit the re-establishment of such nonconformities that have discontinued.

(b) To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the adoption or amendment of this Chapter and upon which actual building construction has been carried on diligently. “Actual building construction” is hereby defined to include the placement of construction materials in permanent position and fastened in a permanent manner.

8.501-1 EFFECTIVE DATE OF THIS CHAPTER

For purposes of this section only, the effective date of this Chapter shall be presumed to be September 24, 2012, or the date of annexation of the subject property, whichever is later. The reference shall include the effective date of any ordinance that amends this Chapter, if the ordinance, rather than this Chapter as originally adopted, creates a nonconforming situation.

8.502 POLICY

It is the general policy of the City to allow uses, structures or lots that came into existence legally and in conformance with then-applicable requirements but that do not conform to all of the applicable requirements of this Development Code to continue to exist and be put to productive use, but to bring as many aspects of such use into conformance with the current Development Code as is reasonably practicable, all subject to the limitations of this Chapter.

(a) The regulations address the following types of nonconformities:

(1) *Nonconforming use.* A primary use of property existing on the effective date of this subchapter that occurs when the property is used for a purpose or in any manner made unlawful by the use regulations or performance and design standards applicable to the zoning district in which the property is located. The term also refers to the activity that constitutes the use made of the property.

(2) *Nonconforming structures.* Buildings and structures, not including signs, legally established prior to the effective date of this subchapter that do not conform with the property development standards of the zoning district in which the use is located. The nonconformance

may be attributed to size, nature of construction, location of the structure or building on the land, or its proximity to another structure or building.

(3) *Nonconforming signs.* Refer to Sign Ordinance.

(4) *Nonconforming Site Improvement.* A nonconforming situation existing on the effective date of this Chapter that occurs when a site improvement on a lot, including but not limited to parking areas, storm drainage facilities, sidewalks and landscaping, does not conform to one or more of the applicable zoning district regulations.

(5) *Nonconforming Situation.* A situation that occurs when, on the effective date of this Chapter, an existing lot, structure or improvement, or the use of an existing lot, structure or improvement no longer conforms to one or more of the applicable zoning district regulations.

8.502-2 *Authority to Continue.* Nonconformities shall be allowed to continue in accordance with the regulations of this Chapter.

8.502-3 *Determination of Nonconformity Status.* The burden of establishing that nonconformity lawfully exists is to be the owner's burden and not the City's.

8.502-4 *Repairs and Maintenance.* Minor repairs and normal maintenance required to keep non-conforming uses, nonconforming structures and nonconforming signs in a safe condition shall be permitted, provided that no alterations shall be made except those allowed by this Chapter or required by law or ordinance. Minor repairs or maintenance shall be defined as costs that do not exceed ten (10) percent of the structural value of a structure or site improvement.

8.502-5 *Change of Tenancy or Ownership.* Changes of tenancy, ownership or management of an existing nonconformity shall be permitted, provided there is no change in the nature or character, extent or intensity of such nonconformity.

8.503 NONCONFORMING USES

Nonconforming uses shall be subject to the following standards.

(a) *Enlargement.* No nonconforming use shall be enlarged, expanded or extended to occupy a greater area of land or floor area than was occupied on effective date of this subchapter and no additional accessory use, building or structure shall be established on the site of a nonconforming use. This provision notwithstanding, uses may be extended throughout any part of a building or other structure that was lawfully and manifestly designed or arranged for such use on effective date of this subchapter.

(b) *Relocation.* No nonconforming use shall be moved in whole or in part to any other portion of such parcel nor to another lot unless the use will be in conformance with the use regulations of the district into which it is moved.

(c) *Discontinuance and Abandonment.* If a nonconforming use ceases for any reason for a period of more than six (6) consecutive months (except where government action causes such cessation), the subsequent use of such parcel or lot shall conform to the regulations and provisions set by this Code for the district in which such parcel or lot is located.

(d) *Damage or Destruction.* In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) of its structural value prior to such destruction, that structure shall not be restored unless the structure and its use conform to all regulations of the zoning district in which it is located. The determination of such reduced structural valuation shall be made by the Building Official. Structural value shall be defined as the present day cost of a structure or its replacement value if destroyed.

(e) *Change in Use.* The initial determination of whether a proposed use is a conforming use or is less intense shall be made by the Building Official, with an appeal to the Board of Adjustment. A nonconforming use, if changed to a conforming use or less intensive nonconforming use, may not thereafter be changed back to a less conforming use than that to which it was changed.

(f) *Residential Uses in Non-Residential Districts.* The other provisions of this Section notwithstanding, any structure that is devoted to a nonconforming residential use and that is located in a more restrictive district may be remodeled, extended, expanded and enlarged; provided that after any such remodeling, extension, expansion or enlargement, such structure shall not be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work.

(g) *Accessory Uses.* No use which is accessory to a principal nonconforming use shall continue after such principal use ceases or terminates.

8.504 NONCONFORMING STRUCTURES

Nonconforming structures shall be subject to the following standards:

(a) *Enlargement.* Any expansion of a nonconforming structure that increases the degree of nonconformance shall be prohibited. Other expansions of the structure shall be permitted and shall not require a variance. The initial determination of whether a proposed expansion increases the degree of nonconformity shall be made by the Building Official with an appeal to the Board of Zoning Adjustment.

(b) *Damage or Destruction:* In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) of its structural value prior to such destruction, such structure shall not be restored except in conformance with the regulations for the zoning district in which it is located. Structural value shall be defined as the present day cost of a structure or its replacement value if destroyed. The determination of such reduced structural valuation shall be made by the Building Official.

When a structure is damaged to the extent of fifty percent (50%) or less, no repairs or restoration shall be made unless a building permit is obtained within three (3) months and restoration is actually begun within six (6) months after the date of such partial destruction.

Exception: Lawful nonconforming structures that are single family detached dwellings, duplexes or townhouses of not more than 2 laterally attached single family dwellings, or multi-family dwellings/townhouses not exceeding 4 units may be reconstructed to their former condition, dimensions and location on the lot provided that the destruction was caused by an accident or act of God occurring after the adoption of this Chapter. Such reconstruction shall not increase the degree of nonconformity that existed prior to the destruction. Reconstruction of the above specified lawful nonconformity, where permitted, must commence within six (6) months of destruction. In such case where reconstruction does not commence within this limited time frame, the nonconformity will be considered abandoned and the structure shall only be reconstructed as a permitted use.

(c) *Relocation.* Nonconforming structures shall not be moved unless the movement or relocation will bring the structure into compliance with all applicable zoning district regulations.

8.505 NON-CONFORMING SIGNS Refer to Sign Ordinance

8.506 OTHER NONCONFORMITIES

(a) Applicability. The types of other nonconformities to which this Section applies include, but are not necessarily limited to: fence height or location; lack of or inadequate landscape buffers; lack of or

inadequate landscaping; lack of or inadequate off-street parking; and other nonconformities not involving zoning district use or property development standards.

(b) Enlargement or Change in Use. Where an addition, enlargement or change in use is proposed to an extent in excess of fifty percent (50%) of the floor area of the existing buildings or structures, the entire lot shall be brought into conformance with presently existing requirements of this Code as to landscaping, buffering, off-street parking and other non-use and non-property development regulations of this Code.

(c) Non-Conformities Created By Public Action. When lot area or setbacks are reduced as a result of conveyance to a Federal, State or local government for a public purpose and the remaining area is at least seventy-five percent (75%) of the required minimum standard for the district in which it is located, then that lot shall be deemed to be in compliance with the minimum lot size and setback standards of this Code without resort to the Board of Adjustment.

(d) Livestock. Raising and harboring livestock, as defined in Section 8.105 of this Code, on non-agricultural zoned property annexed into the city limits of Odessa**,** shall be permitted as a legal non-conforming use provided:

(1) There is no increase in the quantity of livestock animals on the property.

(2) No other type of livestock is introduced onto the property.

(3) Should the number of existing livestock decrease and is not replaced within thirty (30) days time, the new lower quantity of livestock shall be the maximum allowed as a legal nonconforming use.

[*Amended by Ordinance No. 2871, 11-25-13*]

8.507 VIOLATIONS AND PENALTIES

A violation of this Ordinance shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm, or corporation who violates or refuses to comply with any provisions of this ordinance shall be fined not less than ten dollars ($10.00) nor 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) nor more than two hundred fifty dollars ($250.00) for each and every day that such violation shall continue or by imprisonment for ten days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the Court. [R.S.Mo. 89.120]

SUBCHAPTER F BOARD OF ADJUSTMENT

8.600 BOARD OF ADJUSTMENT CREATED

There is hereby created within and for the City of Odessa a Board of Adjustment with the powers and duties as hereinafter set forth.

8.601 MEMBERSHIP

The Board of Adjustment shall be composed of five (5) members, free holders, citizens of the City of Odessa, each appointed by the Mayor with the approval of the Board of Aldermen for a term of five (5) years; provided, however, that for the first appointment under the provisions of this ordinance one (1) member shall be appointed for a term of one (1) year; one (1) member shall be appointed for a term of two (2) years; one (1) member shall be appointed for a term of three (3) years; one (1) member shall be appointed for a term of four (4) years; and one (1) member shall be appointed for a term of five (5) years. Appointments thereafter shall be for a term of five (5) years.

Members of the Board of Aldermen, City Planning Commission, the Manager of Utilities, City Attorney, Building Inspector, or other Municipal Officials shall not be appointed to the Board of Adjustment.

Board of Adjustment members, once appointed, can thereafter be removed only for cause, upon written charges, and after a public hearing. Vacancies shall be filled by the appointing authority for the un-expired term of any member whose office becomes vacant.

The Board shall elect a Chairman and an Acting Chairman from its membership, who shall serve for a term of office of one (1) year. [R.S.Mo. 89.080]

8.602 PROCEDURE

The Board of Adjustment shall adopt rules of procedure in accordance with the provisions of this ordinance and the State Statutes governing their operation. Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Adjustment and shall be public record. All testimony, objections thereto and rulings thereon, shall be taken down by a recorder and employed by the Board of Adjustment for that purpose. [R.S.Mo. 89.080]

8.603 POWERS

The Board of Adjustment shall have the following powers:

(a). Powers Relative to Interpretations:
To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Building Inspector or any other administrative official in the interpretation and enforcement of this ordinance.

(b). Powers Relative to Special Exceptions:
To hear and decide, upon appeal, applications for a Special Exception to the terms of this ordinance under the following circumstances and conditions:

(1). To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.

(2). To interpret the provisions of this ordinance where the street layout actually on

the ground varies from the street layout as shown on the map fixing the several district, which map is attached to and made a part of this ordinance.

(c). Powers Relative to Variances:

Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of this ordinance, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property, which condition is not generally prevalent in the area, the strict application of this ordinance would result in peculiar and exceptional practical difficulties to or exceptional undue hardship upon the owner of such property, the Board of Adjustment is hereby empowered to authorize upon an appeal in specific cases a variance from the terms of this ordinance, as will not be contrary to the public interest, so that the spirit of the ordinance will be observed and substantial justice will be done. The Board of Adjustment may establish such requirements relative to such property as would carry out the purpose and intent of this ordinance. It is specifically provided, however, that the Board of Adjustment is not authorized to grant a use variance.

In exercising the above-mentioned powers the Board of Adjustment may, in conformance with the provisions of this ordinance, reverse or affirm wholly or partly, or may modify the order, requirement, decisions, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. In considering all appeals from rulings made under this ordinance, the Board of Adjustment shall, in making its findings on any specific case, determine the effect of the proposed change upon the supply of light and air to adjacent property, upon the congestion of the public streets, upon the public safety from fire and other hazards, upon the established property values within the surrounding area, and upon other factors relating to the public health, safety, comfort, morals and general welfare of the people of the City of Odessa. It is further provided, that in exercising its power to grant Special Exceptions and Variances, the Board of Adjustment may impose any reasonable condition which shall be necessary to protect surrounding property values and to promote the health, safety, morals, and general welfare.

The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant or any matter upon which the Board of Adjustment is required to pass or to effect any variation in this ordinance.

Every ruling made upon any appeal to the Board of Adjustment shall be accompanied by a written finding of fact based on the testimony received at the hearing afforded by the Board of Adjustment and shall specify the reason for granting or denying appeal. [R.S.Mo. 89.090]

8.604 APPEALS

Appeals to the Board of Adjustment may be taken by any person aggrieved or any officer, department, board of bureau of the City of Odessa affected by any decision of the Building Inspector.

Appeals to the Board of Adjustment shall be taken within thirty (30) days from the date of the decision by filing with the Building Inspector from whom the appeal is taken and with the City Clerk a notice of appeal specifying the grounds thereof, and by paying a filing fee of fifteen dollars ($15.00) at the office of the City Clerk at the time the notice is filed.

The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment certified copies of all the papers constituting the record of said matter together with a copy of the ruling or order from which the appeal is 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 that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board 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.

The Board of Adjustment shall not rehear an appeal one decided unless it is shown by the appellant that all pertinent facts of the case were not brought before the Board of Adjustment at the public hearing, and that for some reason he was prevented from presenting such facts; or that the facts of the case have materially changed since the public hearing. [R.S.Mo. 89.100]

8.605 APPEAL TO CIRCUIT COURT

Any person or persons, jointly or separately aggrieved by any decision of the Board of Adjustment, or any officer, department, board or bureau of the City of Odessa, 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 of Adjustment.

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 relators attorney, but 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 course 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 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. [R.S.Mo. 89.110]

SUBCHAPTER G ADMINISTRATION

8.700 PROCEDURES AUTHORIZING USES PERMITTED ON REVIEW

The uses listed under the various Districts herein as "Uses Permitted on Review" are so classified because they more intensely dominate the area in which they are located than for other uses permitted in the district; however, the nature of such uses makes it desirable that they be permitted to locate therein. The following procedure is established to integrate properly the uses permitted on review with the other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

(a.) An application shall be filed with the City Planning Commission for review. Said application shall show the location and intended use of site, the names of all the property owners and existing land uses within one hundred eighty-five (185) feet, and any other material pertinent to the request which the City Planning Commission may require.

(b.) The City Planning Commission shall hold one or more public hearings thereon.

(c.) The City Planning Commission shall within forty-five (45) days of the date of application, transmit to the Board of Aldermen its report as to the effect of such proposed building or use upon character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare, and the recommendation of the City Planning Commission concerning use thereon. Thereupon the Board of Aldermen may authorize or deny the issuance of a Building Permit for the use of land or building as requested.

8.701 VIOLATIONS AND PENALTIES

A violation of this Ordinance shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm, or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be fined not less than ten dollars ($10.00) nor 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 then one hundred dollars ($100.00) nor more than two hundred and fifty dollars ($250.00) for each and every day that such violation shall continue or by imprisonment for ten days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the Court. [R.S.Mo. 89.120]

8.702 AMENDMENTS

8.702-1 HEARING REQUIRED

The Board of Aldermen may, from time to time, on its own motion or on petition from a property owner, or on recommendation of the City Planning Commission, amend the regulations and districts herein established. No change in regulations, restrictions or district boundaries shall become effective until after a public hearing held in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in an official paper or paper of general circulation in the City of Odessa. [R.S.Mo. 89.050]

8.702-2 PASSAGE BY THE BOARD OF ALDERMEN

Every such proposed amendment shall be referred by the City Planning Commission for report. If a protest against such amendment be presented, duly signed and acknowledged by the owners of ten (10) percent 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 and eighty-five (185) feet distant from the boundaries of the territory included in such proposed change, such amendment shall not be passed except by the favorable vote of two-thirds of all the members of the Board of Aldermen.

For each petition for amendment to the Zoning Ordinance a fee of ten dollars ($10.00) plus the cost of legal publication shall be paid to the City Clerk. [R.S.Mo. 89.060]

8.702-3 CLASSIFICATION OF NEW ADDITIONS

All new additions and annexations of land to the City of Odessa shall be in an A-agricultural zone unless otherwise classified by the Board of Aldermen, for a period of time not to exceed one (1) year from the effective date of the ordinance annexing said addition.

Within this one-year period of time the Board of Aldermen shall instruct the City Planning Commission to study and make recommendations concerning the use of land within said annexation to promote the general welfare and in accordance with the comprehensive city plan, and upon receipt of such recommendations the Board of Aldermen shall, after public hearings as required by law, establish the district classification of said annexation; provided, however, that this shall not be construed as preventing the Board of Aldermen from holding public hearings prior to annexation and establishing the district classification at the time of said annexation.

8.702-4 INVALIDITY OF A PART

In case any portion of this Ordinance shall be held to be invalid or unconstitutional, the remainder of the ordinance shall not thereby be invalid, but shall remain in full force and effect.

8.702-5 REPEAL OF CONFLICTING ORDINANCES

Any ordinances now in effect that conflicts with any provisions of this ordinance is hereby repealed, held to be invalid and to no effect.

SUBCHAPTER H
CONDITIONAL USES FOR COMMERCIAL RESIDENTIAL TRANSITION OVERLAY (CRT) DISTRICT

8.800. Conditional Use Permit Procedure

a) Scope of Provisions. This section contains the regulations of the conditional use permit procedure.

b) Statement of Intent. It is hereby declared that certain land uses and developments presents unique problems with respect to their proper location and relationship to other land uses. Therefore, analysis and judgment of the consequences of each development and use is necessary to preserve and to promote the public health, safety, and general welfare. Such land uses and developments are identified in this Chapter as uses requiring review of the Planning & Zoning Commission and the Board of Aldermen.

c) Procedure. The granting of a conditional use permit may be initiated by a verified application of one (1) or more of the owners of record of a lot or tract of land, or their authorized representatives, or by a resolution of the Planning Commission or the Board of Aldermen. Procedures for application, review and approval of a conditional use permit shall be as follows:

(1) APPLICATION. Application for a conditional use permit for a specific tract of land shall be filed in the office of the Zoning Official. The application shall be filed on forms prescribed for that purpose by the Zoning Official and be accompanied by the following:

a) Filing fee.
b) The correct legal description of the property.
c) The present zoning district for the property.
d) The typewritten names, addresses and telephone numbers of all owners and their Attorney and their designated representative, if any.
e) The signature of all owners, their attorneys or their designated representative.
f) The designated representative shall present proper power of attorney signed by all owners and notarized showing authorization to act on behalf of owners.
g) Attached to the application shall be a plat showing the real estate for which a conditional use permit is desired. The plat shall be drawn to scale and shall show the dimensions of the property along with sufficient neighborhood information to readily identify the property's boundary lines.
h) Land development plan, including, but not limited to the following:

i. Proposed uses. Approximate location and designated uses of buildings and other structures as well as parking and open areas shall be indicated.
ii. Proposed ingress and egress to the site, including adjacent streets.

iv. Proposed landscaping and screening.
v. Any other requirements for the Land Development Plan set forth in this Chapter.
vi. The application for a conditional use permit shall be filed with the zoning official. After checking the application for accuracy, the zoning official shall file one (1) copy of the application with the City Clerk and place the matter on the agenda of the Planning & Zoning Commission for their review and recommendation.

(2) REVIEW BY PLANNING AND ZONING AND BOARD OF ALDERMEN
Before making a decision, the Planning and Zoning Commission and the Board of Aldermen, as is called for in this Chapter, shall review and consider the application for a conditional use permit in an open public meeting. At such meeting, both those in favor and those opposed to the conditional use permit will be given reasonable opportunity to be heard.
The criteria to be considered shall include, but not be limited to the following:

a) If the proposed conditional use complies with all applicable provisions of Chapter 8 and will conform to the general intent and purpose of Chapter 8 and the zoning district in which the proposed conditional use will be located;
b) If the proposed conditional use is in accordance with the intent of, and furthers and promotes the goals of the City's Comprehensive Plan;
c) If the proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public;
d) If the proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located;
e) If the location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, 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. In determining whether the conditional use will dominate the immediate neighborhood, consideration shall be given to:

1. The location, nature and height of buildings, structures, walls, and fences on the site; and
2. The nature and extent of proposed landscaping and buffering on the site.

f) If adequate utility, drainage, and other such necessary facilities have been or will be provided; and
g) If adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

(3) PUBLIC HEARING. A public hearing on the application shall be held by the body considering the matter in accordance with the provisions of Section 8.702-1 and 8.702-2. The public hearing shall be held within sixty (60) days of verification by the zoning official that the petition meets the minimum application.

(4) ADDITIONAL CONDITIONS FOR CONDITIONAL USES. In granting a conditional use, the body reviewing the request may impose such conditions, safeguards and restrictions upon the premises to reduce or minimize any potential injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.

(5) TRANSFERABILITY. Conditional use permits are not transferable to new tenants or operators.

(6) REVOCATION. The Board of Aldermen may, revoke all or part of a conditional use permit if it is not put into use within 12 months of the date of approval. The Board of Aldermen after a public hearing, may revoke a Conditional Use Permit for failure of compliance with the regulations and restrictions of this Ordinance of the requirements of the Conditional Use Permit.

Section 1. Subchapter I ~ Signage

8.900 PURPOSE AND INTENT
The purpose of this Subchapter is to provide standards to safeguard the public welfare by regulating the design, area, number, construction, location, and installation of all signs referred to hereafter. This will encourage well-maintained and attractive signs that meet the needs of business identification, advertising, and communication. This will also encourage signs that are well designed and compatible with the surroundings, and buildings they are attached to or mounted on.

8.901 PERMIT REQUIRED

A. It shall be unlawful to place, erect, alter or relocate within the City, any sign as defined in this Chapter, without first obtaining a building permit and paying the required fee, except for those signs exempt.

B. Permits shall not be required for a change of copy on a changeable copy sign, nor the repainting, cleaning, and other normal maintenance of any sign if its copy does not change.

C. Sign Permit fees shall be subject to the Building Permit fee schedule currently adopted by the Board of Aldermen.

8.902 EXEMPTION FROM PERMITS

Exempt sign means any of the following (however, in no case shall the following signs be allowed within the right-of-way)

A. A sign that is required or authorized by any law, Statute or Ordinance, is designed to identify any public area or installation that gives notice of danger in connection with a pubic project or hazard.

B. Any sign denoting a historical landmark designation or plaque erected by a public or non-profit body or organization.

C. Any sign that identifies by name or number each individual building within any institutional or residential building complex, and that does not exceed one and one-half (1½) square feet in area.

D. Any sign in nature of a decoration, identification or direction incidentally and customarily associated with any national or religious holiday, civic festival, fair, or similar gathering held during a period of forty-five (45) days or less, provided that the sign shall not differ substantially from the requirements set forth in this code.

E. Any sign (window sign, see definition) in a display window of a business establishment that is incorporated into a display of merchandise or a service offered at the premises.

F. Garage sale signs no larger than two (2) feet by two (2) feet. These signs shall not be placed in a right-or-way or on any municipal pole.

G. Subdivision Real Estate Signs - Sign shall not exceed sixty-four (64) sq. ft.

H. Real Estate Agent for Sale Signs, For Sale/Rent By Owner Signs

I. Signs for Temporary Events

8.903 DEFINITIONS

A**.** *Address Signs.* Numbers shall be Arabic numbers or alphabet letters. Height is a minimum of four (4) inches

B. *Awning.* A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway, walkway or window from the elements.

C**.** *Billboard.* A tall, large sign located along a highly traveled highway, interstate, or road, that directs attention to a business, commodity, service, or entertainment, conducted, sold or offered at a location other than the premises on which the sign is located.

D**.** *Building Sign.* A sign that is fastened to, projects from, or is placed on or painted upon the exterior wall, window, door or roof of a building in any manner. The term building sign includes but is not limited to:

a. Awning Sign. A sign imposed or painted on an awning

b. Incidental Sign. An announcement or other display providing information about occupancy or conduct of business permitted on the premises, such as logos, credit cards accepted, hours and similar information.
c. Marquee Sign. Any sign attached flat against the marquee or permanent sidewalk canopy of a building and not extending above the roofline.
d. Projecting Sign. A sign affixed to a wall of a building and extending more than one (1) foot from the surface of the wall.
e. Roof Sign. Any sign that is mounted upon, or otherwise structurally supported by the roof of a building.
f. Under Canopy Sign. A sign display attached to the underside of a marquee sign, and protruding over public or private sidewalks or right-of- ways.
g. Wall Sign. A sign that is fastened directly to or is placed or painted directly upon the exterior wall of a building.
h. Window Sign. A sign that is placed on or behind a windowpane, and intended to be viewed from the outside of a building.

E. *Construction Sign*. A sign identifying the contractors, engineers, architects, or financial institutions involved in the construction.

F. *Directional Signs.* A sign at the entrance/exit of a property.

G. *Electronic Message Board*. A sign that presents its message through illumination of flashing, intermittent, or moving lights forming letters, numbers, or the symbols of the message.

H. *Freestanding Sign*. A sign permanently attached to the ground and that is wholly independent of any building or other structure. The term “freestanding sign” includes, but is not limited to the following:

a. Ground Sign. A freestanding sign other than a pole sign, in which the bottom of the sign face is less than six (6) feet above the ground, but not directly in contact with the ground.

b. Monument Sign. A freestanding sign in which the entire bottom of the sign is in contact with the ground, providing a solid and continuous background for the sign face from the ground to the top of the sign.

c. Pole Sign. A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is above grade so as to expose the pole or support structure.

I. *Illuminated Signs*. Any sign that is illuminated internally over its entire area by use of electricity or other artificial light. Illuminated signs shall be oriented so as not to cast light onto residential properties or cause issues with motorists / traffic.

J. *Non-Conforming Sign.* Signs legally established prior to the effective date of this Ordinance that do not conform with the sign regulations of the City’s Code of Ordinances are referred to as non-conforming signs. This includes the sign framework and supports.

K. *Portable Sign*. A sign that is not permanently affixed to one location and has the capability of being moved from one site to the next. Also called an A-Frame.

L. *Sign Area*. The area or display surface used for the message.

M. *Temporary Event.* An activity, other than a special event having a specific duration or end lasting less than twelve (12) months. Such activities include but are not limited to:

a. Political campaign or ballot proposition as part of City, State, or Federal Government.
b. Offering of a property or premises for sale.
c. Construction of a building or development, renovation or remodel, or rehabilitation of a building.
d. Holiday lights

8.904 APPLICATION AND REVIEW

A. Required along with the permit application are,

a. A plot plan, dimensioned, showing the location of the building, structure and lot that the proposed sign is to be attached to or erected on.

b. One (1) drawing of the proposed sign showing the message to be shown and the method of construction, landscaping, and attachment to the building or ground.

c. A description of all electrical equipment and attachments if the sign is to be illuminated or lighted.

d. Temporary signs shall include a written statement that the sign will be displayed for a period of time not exceeding twelve (12) months.

e. The Zoning Officer, or their designee, shall review the application and all required documents within seven (7) days from the date of submittal. If determined that the application is complete, the Zoning Officer or their designee shall issue the permit.

f. If permit is denied, the reasons shall be stated in writing, and the applicant may appeal to the Board of Zoning Adjustment. Permit expiration regulations shall apply, if the permit is not attached or erected within 180 days.

8.905 DESIGN REVIEW GUIDLEINES

A. The following sign review guidelines shall be used:

a. Any sign affixed to a building shall be dimensioned and located in such a manner that it fits the building architectural features and proportions.

b. All signs shall be designed to fit the character of the surrounding area. Special consideration should be made when proposed signage is located in or adjacent to historic structures, publically owned recreation, and conservancy areas. Signage proposed in planned districts (downtown preservation) will be required to conform to the planned architectural theme of the area. Signage in or abutting residential areas shall be designed so as not to create a residential nuisance.

c. Signs illuminated by floodlight or spotlight shall be positioned in such a manner that none of the light spills over onto an adjacent property, or glares or shines into the eyes of motorists or pedestrians.

d. Colors and material should be kept to a minimum and shall be consistent with adjacent signage and architecture.

e. Landscape features will be encouraged as part of all ground mounted signs.

f. Signs affixed to the exterior of a building shall be compatible with the style, materials, and details of the building.

g. Signs applied to masonry surfaces shall be fastened to mortar joints only and not directly into brick or stone.

h. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement

i. All permanent signs and their supporting members shall be constructed of non-combustible materials.

1. All glass used in signs shall be shatter resistant, or covered by a shatter resistant material.

j. All signs shall comply with the approved detailed provisions of the City's adopted Building Codes.

8.906 GENERAL REQUIREMENTS

A. No sign or any part thereof shall hinder or prevent the ingress or egress through any doorway or window.

B. All signs, except flat signs and those signs weighing less than ten (10) pounds, shall be designed and constructed to withstand wind-load restrictive standards of the currently adopted Building Codes, and shall be constructed to support the dead load and any anticipated live load (i.e. snow, ice) of the sign.

C. No sign shall be mounted on any roof top of any building in any district except Industrial Zones.

D. All signs involving internal lights or other electrical devices shall be certified by manufacturer or design engineer that the electrical components/wiring comply with the City's current adopted electrical Codes.

E. Clearance from all electrical lines shall conform to the Electrical Code currently adopted by the City.

8.907 SPECIFIC REQUIREMENTS

A**. Freestanding Signs**

a. Each freestanding sign shall be located at least seventy-five (75) feet from any other freestanding sign on the same side of the street. The distance may be reduced upon appeal and approval from the Board of Adjustment.

b. The maximum height shall not exceed twenty-two (22) feet. The area shall not exceed 70 sq. ft. The maximum sign area and height allowed in each district may be increased upon appeal and approval from the Board of Adjustment.

c. Limit one (1) sign per lot.

B**. Projecting and Canopy Signs**

a. Projecting signs shall not project more than five and one-half (5 ½) feet beyond the face of the building. Projecting signs shall be a minimum of ten (10) feet above the level of any sidewalk from the bottom of the sign.

b. Under-canopy signs shall be rigidly mounted, and there shall be eight and one-half (8 ½) feet of clearance between the base of any sign and the sidewalk.

C**. Entrance/Exit Signs**

a. Entrance/exit signs may be located at driveways that provide access into or from the property. There shall be no more than two (2) signs per driveway and each sign shall not exceed six (6) feet in length, nor be more than two and one-half (2 ½) feet in height.

D**. Monument Signs**

a. Residential Subdivision Requirements: Minimum height three (3) feet, maximum height of six (6) feet. Sign face to be a maximum of twelve (12) square feet and six (6) feet from the curb edge or property line.

b. Commercial Requirements: Minimum height three (3) feet, maximum height of fifteen (15) feet, with a maximum sign face of twenty-four (24) square feet.

c. Limit 1 per lot.

E**. Portable Signs (A-Frame) ~**

a. Maximum area of twelve (12) sq. ft. per side

F**. Wall Signs.**

a. Sign shall not extend more than twelve (12) inches from the surface.

b. Maximum area of one hundred (100) sq. ft.

8.908 PROHIBITED SIGNS

A. Obscene Signs

B. Sound or Smoke Emitting Sign

C. Portable Sign

a. Exception ~ An A-Frame Sign used in the Downtown District.

D. A sign mounted or painted on a vehicle or trailer, positioned for the primary purpose of acting as a sign that is not used, in the ordinary course, of carrying out its transportation function.

E. Inflatable Signs.

F. Roof Signs.

G. Pole Signs

H. Billboards

8.909 SIGN MAINTENANCE

A. All signs and their supports, braces, guys, and anchors shall be kept in good repair, and, unless constructed of galvanized or non-corroding metal, shall be given a protective coating

as necessary to maintain a clean appearance and safe condition. All sign locations shall be maintained and kept free of rubbish and weeds.

8.910 REMOVAL OF SIGN

A. Where any sign has been abandoned, or where lack of maintenance has created a hazard to the public, The Building Inspector may order the removal of said sign. Thirty (30) days notice shall be given to the owner of sign, building, or premises on which the sign is located, to remove it or bring it into compliance. Upon failure to comply, the Building Inspector shall cause the removal of the sign, and costs shall be assessed to the owner of the property on which the sign is located. This may be collected in the manner of an ordinary debt, or in the manner of taxes and such charges shall be a lien on the property.

8.911 NON-CONFORMING SIGNS

(a) *Policy*. It is the policy of the City to encourage and, to the maximum extent practicable, require that all signs within the City be brought into compliance with the requirements of City of Odessa Code of Ordinances.

(b) *Nonconforming Signs Protected*. A sign which was lawfully erected prior to effective date of this subchapter but which does not comply in one (1) or more respects with the requirements of this Code may remain in use, subject to all other applicable requirements of this subsection.

(c) *Signs Offered Additional Protection*. Existing institutional bulletin boards and signs, building markers, directional signs, subdivision entrance signs and incidental signs shall not be affected by the other parts of this Section, except that should said signs be removed, replaced or substantially altered, they shall be brought into conformity with this ordinance.

(d) *Limitations on Nonconforming Signs*.

(1) Change of copy or the substitution of panels or faces on nonconforming signs shall be permitted. Repairs and maintenance of nonconforming signs, such as repainting, electrical repairs and neon tubing, shall be permitted.

(2) It shall be unlawful to enlarge, or structurally alter any existing sign, except in accordance with the provisions of this ordinance.

(3) Any nonconforming sign that ceases being used or ceases being leased for a continuous period of six (6) months shall not be reused for sign purposes until it is brought into full compliance with the standards of this ordinance.

(4) Any nonconforming sign that pertains to a business or institution that ceases operation for a period of six (6) months or more shall not be reused for sign purposes until it is brought into full compliance with the standards of this ordinance.

8.912 VIOLATIONS AND PENALTIES

A violation of this Ordinance shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm, or corporation who violates or refuses to comply with any provisions of this ordinance shall be fined not less than ten dollars ($10.00) nor 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) nor more than two hundred fifty dollars ($250.00) for each and every day that such violation shall continue or by imprisonment for ten days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the Court. [R.S.Mo. 89.120] {Ord. 2852}

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ZONING REGULATIONS

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CHAPTER 9

SUBDIVISION REGULATIONS

Published 9/12/11

SUBCHAPTER A GENERAL PROVISIONS

9.100 PURPOSE

The subdivision of land is the first step in the process of urban development. The arrangement of land parcels in the community for residential, commercial, and industrial uses and for streets, alleys, schools, parks and other public purposes, will determine to a large degree, the conditions of health, safety, economy and amenity that prevail in the urban area. The quality of these conditions is of public interest. These regulations and standards for the subdivision and improvement of land for urban use are to make provision for adequate light, air, open spaces, drainage, transportation, public utilities and other needs, to insure the development and maintenance of a healthy, attractive and efficient community that provides for the conservation and protection of its human and natural resources.

These regulations are designed, intended and should be administered in a manner to:

(a.) Implement the City Plan,

(b.) Provide neighborhood conservation and prevent the development of slums and blight,

(c.) Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts,

(d.) Provide that the costs of improvements which primarily benefit the tract of land being developed be borne by the owners or developers of the tracts, and that the cost of improvements which primarily benefit the whole community be borne by the whole community,

(e.) Provide the best possible design for the tract,

(f.) Reconcile any differences of interest,

(g.) Establish adequate and accurate records of land subdivision.

9.101 JURISDICTION

These regulations and development standards shall apply to the following forms of land subdivision:
(a.) The division of land into two or more tracts, lots, sites, or parcels, any part of which, when subdivided, shall contain less than ten (10) acres in area; or

(b.) The division of land, previously subdivided or platted, into tracts, lots, sites, or parcels of less than (10) acres in area; or

(c.) The dedication or vacation or reservation of any public or private easement through any tract of land regardless of the area involved, including those for use by public and private utility companies; or

(d.) The dedication or vacation of any street or alley through any tract of land regardless of the area involved.

9.102 DEFINITIONS

For the purpose of these regulations, certain terms used herein are defined as follows:

(1.) ***Alley*** - A minor right-of-way, dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

(2.) ***Block*** - A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad rights-of-way, public walks, parks or greenstrips, rural land or drainage channels or a combination thereof.

(3.) ***Board of Aldermen*** - The Board of Aldermen, the City of Odessa, Missouri.

(4.) ***Building Line or Setback Line*** - A line or lines designating the area outside of which buildings may not be erected.

(5.) ***Easement*** - A grant by the property owner to the public, a corporation, or persons, for the use of a strip of land for specific purposes which shall be maintained free of buildings, structures or fences (unless such fences are constructed with gate so as to permit free access to such easement).

(6.) ***City Plan*** - The sketch plan for the City which has been officially adopted to provide long-range development policies for the area subject to urbanization in the foreseeable future and which includes, among other things, the plan for land use, land subdivision, major streets and community facilities.

(7.) ***Lot*** - A subdivision or a block or other parcel intended as a unit for the transfer of ownership or for development.

(8.) ***Lot, Corner*** - A lot located at the intersection of and abutting on two or more streets.

(9.) ***Lot, Double Frontage*** - A lot which runs through a block from street to street and which abuts two or more streets.

(10.) ***Planning Commission*** - The Planning and Zoning Commission, City of Odessa, Missouri.

(11.) ***Plat, Preliminary*** - A map of the proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.

(12.) ***Plat, Final*** - A map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas and other dimensions of land.

(13.) ***Street*** - Any public or private right-of-way which affords the primary means of access to abutting property.

(14.) ***Street, Major*** - An arterial street which is designated on the Major Street Plan.

(15.) ***Street, Minor*** - Any street not classified as a major street on the Major Street Plan.

(16.) ***Street, Collector*** - A minor street which collects traffic from other minor streets and serves as the most direct route to a major street.

(17.) ***Street, Cul-De-Sac*** - A minor street having one end open to vehicular traffic and having one closed end terminated by a turnaround.

(18.) ***Street, Frontage or Service*** - A minor street auxiliary to and located on the side of a major street for service to abutting properties and adjacent areas and for control of access.

(19.) ***Subdivider*** - Any person, firm, partnership, corporation, or other entity, acting as a unit, subdividing or proposing to subdivide land as herein defined.

(20.) ***Subdivision*** - The division or redivision of land into two or more lots, tracts, sites or parcels for the purpose of transfer of ownership or for development, or the dedication or vacation of a public or private right-of-way or easement.

9.103 GENERAL PROCEDURE

(A.) Plat Approval

For all cases of subdividing within the scope of these Regulations, a plat of the land in question shall be drawn and submitted to the Planning Commission and Board of Aldermen for their approval or disapproval, as provided below.

(B.) Official Recording

No plat or other land subdivision instrument shall be filed in the office of the County Recorder until it shall have been approved by the Planning and Zoning Commission and by the Board of Aldermen as hereinafter setforth. All final plats shall be filed within two (2) years of date of approval by the Planning and Zoning Commission, and no lots shall be sold from any plat until recorded. Failure to record the plat within two (2) years of the date of Planning and Zoning Commission or Board of Aldermen approval, whichever ever is the later, shall void all approvals thereto, unless extended by the Planning and Zoning Commission and Board of Aldermen upon application prior to expiration date. [R.S.Mo. 89.440]

(C.) Agenda

Each plat submitted for preliminary or final approval shall be placed on the agenda of the Planning and Zoning Commission only after fulfilling the appropriate requirements of these Regulations. However, a plat not meeting all of the requirements may be submitted providing the subdivider presents with the plat a written request for specific exceptions and enumerates in detail the reasons therefor.

(D.) Filing Fee

To defray partially the costs of administrative procedures there shall be paid to the City Clerk at the time of submission of the preliminary plan a fee in the following amount:

One hundred dollars ($100.00) plus ten dollars ($10.00) per lot for the first twenty five (25) lots, plus two dollars and fifty cents ($2.50) for each additional lot over 25.

Where only a portion of an approved preliminary plat is submitted for final approval, a final plat of the remaining area may be submitted at any time within five (5) years of the preliminary approval without payment of an additional filing fee by the sub divider, if the final plat for the additional area conforms substantially with the approved preliminary plat.

(E.) Coordination with Zoning Applications Requiring the Submission of a Development Plan

It is the intent of the City that subdivision review be carried out simultaneously with the review of zoning applications which require the submission of development plans under the zoning ordinance. The development plans required for such zoning applications shall be submitted in a form to satisfy the requirements of this ordinance for preliminary plans as set forth in sections 9.310 to 9.325.

9.104 LOT SPLITS

General: The intent of this article is to provide for the issuance of building permits in lots divided into not more than two tracts without having to replat said lot. The City may issue, or have issued, building permits for such lots in accordance with the following regulations.

Application Procedure: Requests for lot split approval shall be made to the City Clerk by the owner of the land. The application shall include: 1) four copies of a scale drawing, 2) legal description of the lots to be created, 3) the location of any structure(s) on the lot or lots thereon together with the precise nature, location and dimensions; and 4) name, signature, and seal of the licensed engineer or the registered land surveyor who prepared the drawing.

Requirements for Lot Splits: No lot split shall be approved if:

(a) A new street or alley or other public improvements is needed or proposed.
(b) A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
(c) Such action will result in significant increases in service requirements (e.g., utilities, schools, traffic control, streets, etc.,); or will interfere with maintaining existing service levels (e.g., additional curb cuts, repaving, etc.)
(d) There is less street right-of-way than required by these regulations or the Comprehensive Plan.
(e) All easement requirements have not been satisfied.

(f) Such split will result in a tract without direct access to a public street.
(g) A substandard-sized lot or parcel will be created.
(h) The lot has been previously split in accordance with these regulations.

Ratification by the Planning and Zoning Commission: The Planning and Zoning Commission shall, within forty-five days of application, in writing, either ratify or not ratify or continue for cause those applications which, in the opinion of the Planning and Zoning Commission, do not comply with these regulations. If action is not taken within the forty-five (45) day period, such lot split shall be deemed to have been approved. The acknowledged endorsement by the Planning and Zoning Commission must appear in the following form: (see Lot Split Form attached at end of Chapter 9).

Filing Fee: The filing fee as set forth by separate ordinance shall accompany the application for lot splits.

Building Permit: No building permit shall be issued for any site which contains a division of a platted lot of record, unless such division has been ratified in the manner provided by these regulations.

SUBCHAPTER B DESIGN

9.200 URBAN DESIGN PRINCIPLES

The quality of design of the urban area is dependent on the quality of design of the individual subdivisions that compose it. Good community design requires the coordination of the efforts of each subdivider and developer or land within the urban area. Therefore, the design of each subdivision shall be prepared in accordance with the principles established by the City Plan for land use, circulation, community facilities and public utility services and in accordance with the following general principles:

A. It is intended that the urban area shall be designed as a group of integrated residential neighborhoods and appropriate commercial and industrial and public facilities. The neighborhood, as a planning unit, is intended as an area principally for residential use, and of a size that can be served by one elementary school. Space for religious, recreational, educational and shopping facilities to serve the residents of the neighborhood should be provided and designed as an integral part of each neighborhood.

B. The size of lots and blocks and other areas for residential, commercial, industrial and public uses should be designed to provide adequate light, air, open space, landscaping, and off-street parking and loading facilities.

C. The arrangement of lots and blocks and the street system should be designed to make the most advantageous use of topography and natural physical features. Tree masses and large individual trees should be preserved. The system of sidewalks and roadways and the lot layout should be designed to take advantage of the visual qualities of the area.

D. Circulation within the urban area shall be provided in accordance with the following design criteria:

1. Each subdivision shall provide for the continuation of all arterial streets and highways as shown on the Major Street Plan as adopted. Arterial streets should be located on the perimeter of the residential neighborhood.

2. Minor streets should be designed to provide access to each parcel of land within the residential neighborhood and within industrial areas, and in a manner that will discourage use by through traffic. They should be planned so that future urban expansion will not require the conversion of minor streets to arterial routes.

3. Collector streets should be designed to provide a direct route from other minor streets to the major streets and expressway system.

4. Ingress and egress to residential properties should be provided only on minor streets.

5. Pedestrian ways should be separated from roadways used by vehicular traffic. Sidewalks should be designed to provide all residential building sites with direct access to all neighborhood facilities, including the elementary school, parks, playgrounds, churches, and shopping centers.

E. Minimum standard for development are contained in the zoning ordinance, the building code and in these regulations. However, the City Plan expresses policies designed to achieve an optimum quality of development in the urban area. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. This will produce a monotonous urban setting. Subdivision design should be of a quality to carry out the purpose and spirit of the policies expressed in the City Plan and in these regulations rather than be limited to the minimum standards required herein.

SUBDIVISION DESIGN STANDARDS

9.201-1 STREETS

The arrangement, character, extent, width, grade and location of all streets shall conform to all of the elements of the City Plan and shall be designed in accordance with the following provisions:

1. Major streets shall be planned to conform with the Major Street Plan.

2. Whenever a subdivision abuts or contains an existing or proposed major street, the Planning Commission may require service streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

3. Minor streets shall be laid out so that their use by through traffic will be discouraged.

4. Where a subdivision borders on or contains a railroad right-of-way the Planning and Zoning Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances also shall be determined with due regard to the requirements of approach grades and future grades separation structures.

5. Reserve strips controlling access to streets shall be prohibited except where their control is placed in the City under conditions approved by the Planning and Zoning Commission.

6. Where the plat to be submitted includes only part of the tract owned or intended for development by the subdivider, a tentative plan of a proposed future street system for the un-subdivided portion shall be prepared and submitted by the Subdivider.

7. When a tract is subdivided into larger than normal building lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate re-subdivision, with provision for adequate utility easements and connections for such re-subdivision.

8. Streets jogs with centerline offsets of less than one hundred and twenty-five (125) feet should be avoided.

9. Streets shall intersect at approximately right angles.

10. Street right-of-way widths shall be in accordance with the Major Street Plan and, where not designated therein, shall be not less than the following:

Major Streets		Minor Streets	
Primary	100 feet	Collector	70 feet
Secondary	80 feet	Minor	60 feet
		Cul-de-sac	70 feet

11. The grades of all streets shall not exceed the following, except where unusual topographic conditions justify in the opinion of the Planning and Zoning Commission, a modification of these standards:

Major Streets		Minor Streets
Primary	5%	No street grade shall be
Secondary	7%	less than 0.4%

12. The horizontal and vertical alignment for all streets shall be not less than the following, except in cases of unusual topographical conditions:

a. Horizontal Alignment - center line radius:

Major Streets		Minor Streets
Primary	500 feet minimum	100 feet minimum
Secondary	300 feet minimum	

There shall be a tangent between all reverse curves having an adequate length, in relation to the radii of the curves, to provide for a smooth flow of traffic.

b. All changes in street grades shall be made with vertical curves that provide minimum sight distances of not less than the following except in cases of unusual topographic conditions:

Major Streets		Minor Streets
Primary	500 feet minimum	200 feet minimum
Secondary	300 feet minimum	

Sight distance for vertical alignment shall be determined by measuring from a point 4.0 feet above the roadway surface along a line of sight to a point 4.0 inches above the roadway surface.

13. The paved width of all streets shall be adequate to serve the existing and future estimated traffic load for the facility.

14. All streets in new subdivisions in the City of Odessa, Missouri, shall consist of a base of not less than six (6) inches nor more than eight (8) inches of compacted crushed stone or gravel which meet Missouri State Highway specifications as approved by the City Engineer and the surface shall consist of three (3) inches of asphalt meeting Missouri State Highway specifications followed by seal coat of MC3 or MC4 or RC3 or RC4 or the equivalent thereof at the rate of .6 gallon per square yard in accordance with Missouri State Highway Department's specifications.

    Lane widths for all streets shall be as follows:

    a. All major streets shall have lanes for traffic movement of not less than eleven (11) feet or more than twelve (12) feet in width, and lanes for parallel parking or emergency stopping of not less than ten (10) feet in width.

    b. The minimum distance in width of a street shall be twenty-eight (28) feet measuring the street from the back of each curb line or curbing, and the width of a street shall not exceed thirty-six (36) feet measuring from the back of the curb of each side of the street.

    c. It shall be the duty of the City Engineer or such other person as may from time to time be designated by the Mayor, to inspect the construction of new streets in the City of Odessa, Missouri, during all pertinent phases thereof for the purpose of ascertaining whether the same is in compliance with the ordinances of the City of Odessa, Missouri.

15. A cul-de-sac should not exceed three hundred (300) feet in length, measured from the entrance to the back of the curb of the furthermost portion of the turn-around. Street width shall not be less than 32 feet in width, measured back of curb to back of curb. A turn-around shall be provided having a radius of not less than 50 feet measured from the curb line.

16. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; and provided that the Planning and Zoning Commission finds it will be practical to obtain the dedication of the other half of the street easement when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

17. The arrangement of streets shall be such as to cause no hardship in the subdividing of adjacent

properties. The Planning and Zoning Commission may require the dedication of street rights-of-way to facilitate the development of adjoining properties.

18. No street name shall be used which will duplicate names shall be subject to the approval of the Planning and Zoning Commission.

9.201-2 ALLEYS

1. Alleys shall be provided in commercial and industrial districts, except that the Planning and Zoning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading unloading, and parking consistent with and adequate for the uses proposed.

2. Alleys serving commercial and industrial areas shall not be less than thirty (30) feet in width.

3. Alleys are not required for residential areas, but when provided shall be not less than twenty (20) feet in width.

4. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.

5. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead-end, as determined by the Planning and Zoning Commission.

9.201-3 EASEMENTS

1. Where alleys are not provided, easements not less than fifteen (15) feet wide shall be provided for use by public and private utilities along each rear lot line, and along side lot lines where necessary, in the following manner:

a. A permanent easement not less than seven and one-half (7 1/2) feet wide shall be provided along the rear lot line, or along the side lot line where necessary, of each abutting or adjoining lot;

b. Where the land owned and being subdivided by the subdivider ends at a rear or side lot line and the subdivider is unable to obtain from the adjoining property owners an easement not less than seven and one-half (7 1/2) feet wide, the Planning and Zoning Commission, upon finding that the easement will be available from the adjoining property owners at a future date, may approve the grant of an easement along each rear lot line, or side lot line where necessary, not less than fifteen (15) feet wide or which ten (10) feet is a permanent easement and five (5) feet is a temporary easement reverting to the property owner at such time as the adjacent easement not less than seven and one-half (7 1/2) feet wide is obtained from the adjoining property owner.

c. Easement shall be maintained free of buildings, structures and fences (unless such fence is so constructed with gate so as to permit free access to such easement). The Planning and Zoning Commission may require area easements and easements of greater width.

2. Where a subdivision is traversed by a water course, drainage channel or stream, which drains one hundred sixty (160) acres, or more, or land there shall be provided a right-of-way for drainage and public parks and contain all of the runoff from a fifty-year maximum flood. The right-of-way shall include all of the land within the subdivision that has an elevation below the fifty-year maximum flood elevation which shall be calculated in accordance with standard engineering practices.

9.201-4 PUBLIC AREAS AND OPEN SPACES

Public parks, playgrounds, school sites and other public areas and open spaces shall be provided in accordance with the requirements and standards set forth in sections 1.600-1 to 1.600-6 and in the City Plan and the ordinance relating thereto.

9.201-5 BLOCKS

1. The lengths, widths and shapes of blocks will be determined with due regard to the following:

a. Provision of adequate building sites suitable to the special needs to the type of use contemplated.

b. Zoning requirements as to lot sizes and dimensions.

c. Needs for convenient access, circulation, control and safety of street traffic.

d. Limitations and opportunities of topography.

2. Blocks for residential use shall not be longer than eighteen hundred (1,800) feet along the center line of the block. When a block exceeds six hundred (600) feet in length, the Planning and Zoning Commission may require a dedicated easement of not less than fifteen (15) feet in width and a paved crosswalk not less than four (4) feet in width to provide pedestrian access across the block.

3. Blocks used for residential purposes should be of sufficient width to allow for two tiers of lots of appropriate depth. Blocks intended for business and industrial use should be of a width suitable for the intended use, with due allowance for off-street parking and loading facilities.

9.201-6 LOTS

1. Residential lots shall be not less than seventy (70) feet in width at the front building line and shall abut a street a distance of not less than thirty-five (35) feet; except that a corner lot shall be not less than eighty (80) feet in width at the front building line.

2. Side lot lines should be approximately at right angles or radial to street lines.

3. The minimum depth of residential lots shall not be less than one hundred twenty (120) feet.

4. The area of residential lots shall be not less than eight thousand four hundred (8,400) square feet, except that a corner lot shall be not less than nine thousand six hundred (9,600) square feet.

5. In residential subdivisions where septic tank or individual sewage disposal devices are to be installed, the area of the lot shall not be less than the area required as determined by an area percolation test performed by a registered engineer and the width of the lot at the front building line shall be not less than one hundred (100) feet.

6. Lots are not required for subdivisions for commercial and industrial use, but when provided should be of appropriate size and arrangements to provide for adequate off-street parking and loading facilities based on the intended use.

7. Double frontage and reverse frontage lots should be avoided except where they are needed to provide for the separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet shall be provided along the portion of the lots abutting such a traffic artery or other use where screening is required. There shall be no right of access across a planting screen easement.

9.201-7 BUILDING LINES

Building lines shall be provided for all residential subdivisions as follows:

1. A front building line shall be located not less than twenty-five (25) feet back of the street right-of-way line.

2. A side yard building line on the side of a corner lot abutting the street shall be located not less than fifteen (15) feet back of the street right-of-way when such lot is back to back with another lot, and not less than twenty (20) feet back of the street right-of-way line in every other case.

3. A side yard building line shall be provided not less than ten (10) feet back of a crosswalk right-of-way line on the side of a lot abutting a mid-block crosswalk.

4. Restrictions requiring buildings to be located within the building lines shown on the plat shall be set forth on the plat or on a separate recorded instrument.

SUBCHAPTER C IMPROVEMENTS

9.300 GENERAL PROVISIONS

All improvements shall be designed and installed in accordance with all of the elements of the City Plan and shall meet the minimum standards established by the ordinances and regulations relating thereto.

9.301 PLAN PREPARATION

Plans for the improvements herein required shall be prepared by a qualified engineer, registered in the State of Missouri. Two sets of prints of the proposed plans and specifications for all improvements shall be filed with the City Clerk.

9.302 SURETY BOND

In lieu of completion of the improvements herein required, the Board of Aldermen shall require the subdivider to file a surety bond or other surety satisfactory with the Board of Aldermen and with the City Clerk to insure the actual construction of such improvements according to the plans and specifications approved by the Planning and Zoning Commission within a period of time not to exceed two years from the date of approval of the final plat. Such bond shall be in the amount of one hundred percent (100%) of the estimated cost of the improvement as determined by the Planning and Zoning Commission and with surety and conditions satisfactory to the Board of Aldermen. No building construction shall be permitted on any lot that does not comply with the provisions of these regulations and other applicable elements of the City Plan, and no municipal utility service will be furnished to such lot. [R.S.Mo. 89.410 (2)]

9.303 PERMANENT MARKERS

Each block corner shall be marked with iron pipes or pins not less than one-half (1/2) inch in diameter and twenty-four (24) inches long at least one (1) inch below finished grade; and each subdivision shall be marked with a permanent concrete reference marker capped with a noncorrosive metal plate, set not less than one (1) inch below the finished grade.

9.304 STREET IMPROVEMENTS

The subdivider of any subdivision designed to be used for residential, commercial, industrial or other purposes, shall pave all streets that are designed on the approved plat or that directly serve the subdivision by being adjacent thereto in accordance with the plans and specifications of the City now established by ordinance or resolution which may be hereinafter established by ordinance or resolution or amended or modified, in accordance with the following provisions:

a. The design of an improvement of an intersection of any new street with an existing State or Federal highway shall be in accordance with the Missouri State Highway Department, but in no case shall the standard be less than the applicable City specifications.

b. Whenever a subdivision contains a major street that requires a street facility that is more costly than is required to serve the future occupants of the subdivision, the subdivider shall be required to pay only the portion of the cost of the major street that would equal the cost of an improvement required to serve only the subdivision, as determined by the Planning and Zoning Commission.

c. Whenever a subdivision is adjacent to an already existing unpaved street, the subdivider will not be required to pave the entire breadth of said street, but only half of the same street adjacent and parallel to said subdivision.

d. Whenever a subdivision contains a half street approved by the Planning and Zoning Commission under section 9.201 (16) of these regulations, the subdivider will be required to pave the half of the street dedicated.

9.305 SIDEWALKS

A plan for a system of sidewalks shall be prepared and presented with the final plat of a proposed subdivision. Such plan shall include detailed plans to indicate that all requirements of the City of Odessa will be met.

1. Sidewalks shall be installed on both sides of all new streets.
2. All sidewalks shall be not less than four (4) feet in width and shall be a minimum of four (4) inch thick Portland Cement.
3. Sidewalks shall be located in the platted street right of way, a minimum of 4 feet from back of curb and shall be so constructed to follow the curb line in a uniform manner.
4. Sidewalks shall be installed in any pedestrian easements as may be required by the Planning and Zoning Commission.
5. Sidewalks shall be completed on each lot and shall be a condition of occupancy or use of the property.
6. Handicapped accessible ramps or cuts shall be made at all intersections.
7. Care and maintenance of sidewalks and all costs for such care and maintenance shall bear with the property owner of whose property the sidewalk is adjacent.
8. Sidewalk installation shall be the responsibility of the owner, contractor, or developer, except that prior to acceptance and final dedication of the subdivision improvements to the City of Odessa, all lots remaining vacant or unsold, shall have sidewalks constructed in a manner consistent with the preceding requirements.
9. Other specifications and requirements pertaining to sidewalks may be found elsewhere in the Code of Ordinances of the City of Odessa.

9.306 WATER DISTRIBUTION LINES

The scope of this ordinance is to increase water flow throughout the city and to improve required fire flow needs with limited effects.

1. The sub-divider shall install water distribution lines and fire hydrants. Installation shall be in accordance with American Public Works Association and any specifications, ordinances or statutes of the City of Odessa or the State of Missouri.
2. Requirements:
    a. Property zoned A, R-1, R-2 and R-3: All water distribution lines which will support fire hydrants for new construction or areas of redevelopment shall be a minimum of eight inches in diameter and of a material as recommended by the American Public Works Association. All distribution lines shall be looped or continuous without end.
    b. Property zoned C-1, C-2 and C-3: All water distribution lines installed which support fire hydrants for new construction or areas of redevelopment shall be a minimum of ten inches in diameter and of a material recommended by the American Public Works Association. All distribution lines shall be looped or continuous without end.
    c. Property zoned I-1 and I-2: All water distribution lines installed which will support fire hydrants for new construction or areas of redevelopment shall be a minimum of 12 inches in diameter and of a material recommended by the American Public Works Association. All distribution lines shall be looped or continuous without end.

General repairs to water distribution mains shall be exempt from the above requirements. *[Ord. 2673 02-12-2007]*

9.307 SANITARY SEWERS

The subdivider shall install sanitary sewers whenever a sanitary sewer is reasonably accessible as determined by the Planning and Zoning Commission. Sanitary sewers shall be installed in accordance with the specifications

governing sanitary sewer construction. Whenever a sanitary sewer is not reasonably accessible, septic tanks or other unit disposal systems may be used in accordance with the following provisions:

a. No portion of any unit disposal system shall be located closer than ten (10) feet to the lot line of the lot on which the system is located.

b. All unit disposal systems shall comply with the requirements of the State Health Department.

Whenever subdivisions contain forty acres or more, the Planning and Zoning Commission may require the subdivider to install sanitary sewers and a disposal plant that is adequate to serve all of the lots within the subdivision.

9.308 STORM SEWERS AND DRAINAGE

Storm sewers and drainage shall be provided in accordance with the specifications contained in the ordinances and regulations relating thereto.

9.309 MAINTENANCE AND SUPERVISION

Where the subdivision contains sewers, sewage treatment plants, water supply systems, or other physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made which is acceptable to the agency having jurisdiction over the location and maintenance of such facilities for the proper and continuous operation, maintenance and supervision of such facilities.

9.310 MAINTENANCE BOND

Prior to the acceptance by the City of the improvements required herein, a maintenance bond shall be provided, guaranteeing the improvements against defects in workmanship and materials for a period of three (3) years from the date of acceptance of such improvements.

9.311 AS BUILT PLANS

One set of "as built" plans and specifications for the improvements herein required, certified and signed by an engineer registered in the State of Missouri, shall be filed with the City Clerk prior to the acceptance by the Board of Aldermen of any improvement installed by the subdivider.

SUBCHAPTER D PLAT PREPARATION AND APPROVAL PROCEDURE

9.400 SUBDIVISION REVIEW COMMITTEE

There is hereby created a Subdivision Review Committee, the membership of which shall be made up of the following:

1. Mayor or designated representative;
2. Representative of the Planning and Zoning Commission;
3. Representative of the Community Planning & Development Department;
4. Public Works Director;
5. Water & Wastewater Superintendent;
6. Electric Utility Representative;
7. Fire District Representative;
8. Planning & Zoning Liaison from the Board of Aldermen.

It shall be the responsibility of the Subdivision Review Committee to meet together, on call of the Mayor, to study the suitability of the proposed subdivision for the purpose of which it is intended, and to submit their findings and recommendations to the Planning and Zoning Commission at the time the preliminary plat is to be reviewed by the Planning and Zoning Commission. The Subdivision Review Committee shall have a minimum of 28 (twenty-eight) calendar days in which to meet or provide written comments before the preliminary plat is submitted to the Planning and Zoning Commission for their review. *[Ord. 2679 05-29-2007]*

9.401 PRE-APPLICATION PLANS AND DATA

Not less than fourteen (14) days prior to the filing of an application for approval of a preliminary plat, the subdivider shall present to the Subdivision Review Committee the following information:

a. A general description of the existing conditions of the site and the suitability of the site for the proposed development. This information may include data on existing covenants and agreements, the availability of utilities and community facilities, the proposed use of each portion of the subdivision, proposed lot sizes and building sizes, proposed business areas, playgrounds, park and school sites and other pertinent data as may be needed to supplement the sketches required in (b) and (c) below.

b. A general location map shall be submitted and shall show the proposed subdivision and its relationship to existing utilities, schools, parks, major streets, and other features that will affect and influence the subdivision.

c. A sketch plan drawn to approximate scale shall be submitted and shall show topography, using a contour interval of not greater than five (5) feet, the proposed street layout, lots and other planning features. The street and lot plan may be in form of a free hand pencil sketch.

THE PRELIMINARY PLAT

9.402-1 GENERAL

The subdivider shall prepare a preliminary plat for submission to the Planning and Zoning Commission. Four (4) copies of the preliminary plat shall be submitted to the office of the City Clerk not less than seven (7) days prior to the meeting at which it is to be considered.

9.402-2 CERTIFICATION OF DESIGN

The preliminary plat shall be accompanied by a statement signed by the registered engineer or land surveyor preparing the plat that he has, to the best of his ability, designed the subdivision in accordance with the City Plan, with which he is completely familiar, and in accordance with the ordinances and regulations governing the subdivision of land, except where an exception if required in writing and the reasons for which are clearly stated.

9.402-3 CONTENTS OF PRELIMINARY PLAT

The preliminary plat shall be drawn at a scale of one hundred (100) feet to one (1) inch and shall contain or be accompanied by the following information:

(1.) The scale, north point and date.

(2.) The proposed name of the subdivision.

(3.) The name and address of the owner of record, the subdivider and of the registered engineer or land surveyor preparing the plat.

(4.) A key map showing the location of the proposed subdivision referenced to existing or proposed major streets and to government section lines, and including the boundaries and number of acres of the drainage area of which the proposed subdivision is a part.

(5.) The names, with location of intersecting boundary lines, of adjoining subdivisions, and the location of city limits if falling within or immediately adjoining the tract.

(6.) The land contours with vertical intervals not greater than two feet referenced to a United States Geological Survey or Coast and Geodetic Survey bench mark or monument.

(7.) The location of existing buildings, water, water courses, and the location of dedicated streets at the point where they adjoin and/or are immediately adjacent to the subdivision provided, however, that actual measured distances shall not be required.

(8.) The length of the boundaries of the tract, measured to the nearest foot, and the proposed location and width of streets, alleys, easements and setback lines and the approximate lot dimensions.

(9.) The location, size and type of sanitary and storm sewers, water mains, culverts, power and natural gas lines and other surface and subsurface structures and pipe lines existing within or immediately adjacent to the proposed subdivision; and the location, layout, type and proposed size of the following structures and utilities:

a. Water mains.
b. Sanitary sewer mains, sub-mains, and laterals.
c. Storm sewers, culverts and drainage structures.
d. Street improvements.

(10.) The location of all drainage channels and subsurface drainage structures, and the proposed method of disposing of all run-off from the proposed subdivision, and the location and size of all drainage easements relating thereto, whether they are located within or outside of the proposed plat.

(11.) The classification of every street within or adjacent to the subdivision in accordance with the intended use of the street based on the proposed design. This shall be done by placing the appropriate term, primary thoroughfare, secondary thoroughfare, collector, or minor in parenthesis, directly on each street. (R.S.Mo. 445.020)

9.402-4 PLANNING AND ZONING COMMISSION ACTION

The Planning and Zoning Commission shall approve, approve conditionally, or disapprove, the plat within sixty (60) days of the date of its submission by the applicant. If the preliminary plat is disapproved or approved conditionally, the reasons for such action shall be stated in writing, a copy of which shall be signed by the Planning and Zoning Commission Chairman and shall be attached to one (1) copy of the plat and transmitted to the subdivider. Unless stipulation for additional time is agreed to by the subdivider, if no action be taken by the Planning and Zoning Commission at the end of sixty (60) days after submission, the plat shall be deemed to have been approved. The reasons for disapproval or conditional approval shall refer specifically to those parts of the City Plan or specific regulations with which the plat does not conform. On conditionally approving a plat, the Planning and Zoning Commission may require submission of a revised preliminary plat. If the plat conforms to all of the standards, or after the applicant and Planning and Zoning Commission agree upon any revision which shall be filed with the Planning and Zoning Commission on a revised copy, the subdivider may proceed with the laying out of streets and roads, the preparation of utility plans and with the preparation of a final plat. [R.S.Mo. 89.420]

THE FINAL PLAT

9.403-1 GENERAL

Two final plats, neatly drawn in ink on tracing cloth, and eight (8) dark line prints, thereof shall be submitted to the office of the City Clerk not less than five (5) days before the Planning and Zoning Commission meeting at which it is to be considered for final approval. At the same time, there shall be submitted two (2) sets of the proposed plans and specifications for all improvements and the proposed restrictions in final form; provided, however, the final plat may be approved subject to later submission of final improvement plans and specifications.

9.403-2 TIME OF SUBMISSION

The final plat of the proposed subdivision shall be submitted to the Planning and Zoning Commission and Board of Aldermen for final approval within one (1) year of the date on which the preliminary plat was approved. If not submitted for final approval within such time, the preliminary plat shall be considered as having been disapproved unless the Planning and Zoning Commission agrees to an extension of time. The final plat shall be filed in the office of the County Recorder within two (2) years after approval by the Board of Aldermen and the Planning and Zoning Commission whichever is later, or if not filed within such time, said approval shall be considered as having been voided, unless extended by the Planning and Zoning Commission and Board of Aldermen upon application prior to expiration date.

9.403-3 DRAFTING

The final plat shall be drawn at a scale of one hundred (100) feet to the inch from an accurate survey and on sheets whose dimensions are twenty-one (21) inches by thirty-three and one-half inches (33 1/2) between border lines. On the first sheet of every plat there shall be a key map showing the location of the subdivision referenced to government survey section lines and major streets. If more than two sheets are required for the plat, the key map shall show the number of the sheet for each area. A border of one-half (1/2) inch surrounding the sheet shall be left blank at the top, bottom, and right hand side, and a margin of two (2) inches at the left side for binding purposes. [R.S.Mo. 445.020]

9.403-4 CONTENTS OF THE FINAL PLAT

The final plat shall show:

(1.) The location and description of all section corners and permanent survey monuments in or near the tract, to at least one of which the subdivision shall be referenced.

(2.) The length of all required lines dimensioned in feet and decimals thereof, and the value of all required true bearings and angles dimensioned in degrees and minutes, as hereafter specified.

(3.) The boundary lines of the land being subdivided fully dimensioned by lengths and bearings, and the location of adjoining lands, with adjacent subdivisions identified by official names.

(4.) The lines of all proposed streets fully dimensioned by lengths and bearings or angles.

(5.) The lines of all proposed alleys. Where the length and/or direction of an alley is not readily discernible from data given for lot and block lines, the length and/or bearing shall be given.

(6.) The widths, and names where appropriate, of all proposed streets and alleys, and of all adjacent streets, alleys and easements which shall be properly located.

(7.) The lines of all proposed lots fully dimensioned by lengths and bearings or angles, except where a lot line meets a street line at right angles, the angles, the angle or bearing value may be omitted.

(8.) The outline of any property which is offered for dedication to public use fully dimensioned by lengths and bearings, with the area marked "Public."

(9.) The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block, with areas to be excluded from platting marked "Reserved" or "Not a Part."

(10.) The location of all building lines, setback lines, and easements for public services or utilities with dimensions showing their location.

(11.) The location of all easements for drainage with dimensions showing their location.

(12.) The grades of all streets.

(13.) The radii, arcs, points of tangency, points of intersection, and central angles for curvilinear streets and radii for all property returns.

(14.) The proper acknowledgments of owners and the consent by the mortgagee to plat restrictions.

(15.) The following which shall be made and shown on the cloth tracing:

a. Owner's Certificate and Dedication, signed.
b. Engineer's or Land Surveyor's Certificate of Survey, signed, and his seal.
c. Certificate for Release of Mortgage for any portion dedicated to the public.
d. Reference to any separate instruments, including restrictive covenants, filed in the Office of the County Recorder of Deeds which directly affect the land being subdivided.
e. Certificates of Planning and Zoning Commission approval.
f. Certificate of Board of Aldermen acceptance of ways, easements, and public land dedications.
g. Treasurer's Certificate.

(16.) A title which shall include:

a. Name of the Subdivision.

b. Name of City, County, and State.

c. Location and description of the subdivision referenced to Section, Range and Township.

9.403-5 PLANNING AND ZONING COMMISSION ACTION

The Planning and Zoning Commission shall act upon the final plat within sixty (60) days after it has been submitted for final approval. This approval and the date thereof shall be shown on the plat over the signature of the Planning and Zoning Commission Chairman. Unless stipulation for additional time is agreed to by the subdivider and if no action is taken by the Planning and Zoning Commission at the end of sixty (60) days after submission, the plat shall be deemed to have been approved. A certificate by the City Clerk as to date of submission of plat for final approval and failure of Planning and Zoning Commission to act thereon within such time shall be sufficient in lieu of written endorsement of approval.

If the final plat is disapproved, grounds for this refusal shall be stated in writing, a copy of which shall be transmitted with the tracing and prints to the applicant. The reasons for disapproval shall refer specifically to those parts of the City Plan or ordinance with which the plat does not comply. [R.S.Mo. 89.420]

9.403-6 BOARD OF ALDERMEN ACTION

Before recording the final plat, it shall be submitted to the Board of Aldermen for approval and for acceptance of public ways and service and utility easements and land dedicated to public use. This approval of the plat shall be shown over the signature of the Mayor and attested by the City Clerk or his deputy. The disapproval of any plat or plan by the Board of Aldermen shall be deemed a refusal of the proposed dedication shown thereon.

9.403-7 RECORDING OF PLAT

After final approval of the plat and the affixing of all required signatures on the original tracing, the subdivider shall

provide the Planning and Zoning Commission with two (2) dark line prints thereof, and one contract reproducible cloth tracing, said tracing to be filed with the City Clerk. One dark line print shall be retained in the permanent file of the Planning and Zoning Commission and one shall be sent to the Office of the City Clerk. The applicant shall file the original tracing, one dark line print on cloth, and one contact reproducible cloth tracing or film with the County Recorder. [R.S.Mo. 445.030, R.S.Mo. 445.040]

SUBCHAPTER E ADMINISTRATION AND AMENDMENT

9.500 VARIATIONS AND EXCEPTIONS

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these Regulations would result in substantial hardship or inequity, the Planning and Zoning Commission may vary or modify, except as otherwise indicated, such requirements of design, but not of procedure or improvements, so that the subdivider may develop his property in a reasonable manner, but so, at the same time, the public welfare and interests of the City are protected and the general intent and spirit of these Regulations preserved. Such modification may be granted upon written request of the subdivider stating the reasons for each modification and may be waived by three-fourths (3/4) vote of the regular membership of the Planning and Zoning Commission.

9.501 ADMINISTRATION AND AMENDMENT

The Board of Aldermen may, from time to time, adopt, amend and make public rules and regulations for the administration of these Regulations to the end that the public be informed and that approval of plats be expedited. These Regulations may be enlarged or amended by the Board of Aldermen after public hearing, due notice of which shall be given as required by law. [R.S.Mo. 89.410 (3)]

9.502 VALIDITY

If any section, clause, paragraph, provision or portion of these Regulations shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of these Regulations.

9.503 REPEAL

All ordinances or parts of ordinances of the City of Odessa, Missouri, in conflict herewith are hereby repealed.

9.504 VIOLATION AND PENALTY

No building permit shall be issued for any new structure or change, improvement or alteration of any existing structure on any tract of land which does not comply with all of the provisions of these Regulations.

A violation of these Regulations shall be deemed a misdemeanor and shall be punishable by fine. Any person, firm or corporation who violates or refuses to comply with any of the provisions of these Regulations shall be fined not less than one hundred ($100) nor more than five hundred dollars ($500), or by confinement in the County Jail for not more than six months, or by both such fine and confinement. [R.S.Mo. 89.490]

LOT SPLIT FORM

This lot split has been submitted and ratified by the Odessa Planning & Zoning Commission this _____ day of _____, 200__.

Property Location: _____

Property Owners: _____

See attached legal description.

_____ _____

Chairman, Planning & Zoning Secretary, Planning & Zoning

_____ _____

Property Owner Property Owner

State of Missouri)
County of Lafayette) ss
City of Odessa)

Be it remembered that on this _____ day of _____, 200__, before me, a notary public in and for said County and State, came _____, and _____. To me personally known to be the same person(s) who executed the foregoing instrument of writing and duly acknowledged the execution of the same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

_____ (Seal)
Notary Public
My Commission expires: _____

Schedules

SCHEDULE I

In accordance with provisions of Section 2.407-3 and when signs are erected gving notice thereof, drivers of vehicles shall not make a U-Turn:

Direction of Traffic Movement	Name of Street Travelled On	Must Not Make U-Turn at Street Intersection
Northbound	2nd St (Mo. 131)	Dryden St.
Southbound	2nd St (Mo. 131)	Dryden St.
Northbound	2nd St (Mo. 131)	Mason St.
Southbound	2nd St (Mo. 131)	Mason St.
Northbound	2nd St (Mo. 131)	Main St.
Southbound	2nd St (Mo. 131)	Main St.
Northbound	2nd St (Mo. 131)	N.E. Railroad St.
Northbound	2nd St (Mo. 131)	Dryden St. to Mason St.
Southbound	2nd St (Mo. 131)	Dryden St. to Mason St.
Northbound	2nd St (Mo. 131)	Mason St. to Main St.
Southbound	2nd St (Mo. 131)	Mason St. to Main St.
Southbound	2nd St (Mo. 131)	Dryden St. to 1st Alley just South

SCHEDULE II

In accordance with Section 2.409 and when signs are erected giving notice thereof, drivers of vehicles shall stop at each of the following intersections:

Direction of Traffic Movement	Name of Street Traveled On	Must Stop at Street Intersection
Northbound	1st Street	Cobb Avenue
Southbound	1st Street	Cobb Avenue
Northbound	1st Street	College Street
Southbound	1st Street	College Street
Northbound	1st Street	Dryden Street
Southbound	1st Street	Dryden Street
Northbound	1st Street	Highway 40
Northbound	1st Street	Mason Street
Southbound	1st Street	Mason Street
Northbound	1st Street	Otway Street
Northbound	1st Street	Phillips Street
Southbound	1st Street	Phillips Street
Northbound	1st Street Terrace	Crestview Drive
Southbound	1st Street Terrace	Highway OO
Northbound	2nd Street (MO 131)	Highway 40
Northbound	2nd Street (MO 131)	Mason Street
Southbound	2nd Street (MO 131)	Mason Street
Northbound	2nd Street Terrace	Crestview Drive
Southbound	2nd Street Terrace	Highway OO
Northbound	3rd Street	College Street
Southbound	3rd Street	College Street
Northbound	3rd Street	Dryden Street
Southbound	3rd Street	Dryden Street
Southbound	3rd Street	Highway OO
Southbound	3rd Street	Main Street
Northbound	3rd Street	Marlow Street
Southbound	3rd Street	Marlow Street
Northbound	3rd Street	Mason Street
Southbound	3rd Street	Mason Street
Northbound	3rd Street	Montgomery Street
Southbound	4th Street	College Street
Northbound	4th Street	Dryden Street
Southbound	4th Street	Dryden Street
Northbound	4th Street	Golf Street
Southbound	4th Street	Golf Street
Northbound	4th Street	Highway 40
Northbound	4th Street	Main Street
Southbound	4th Street	Main Street
Southbound	4th Street	Mason Street
Southbound	5th Street	College Street
Northbound	5th Street	Dryden Street
Southbound	5th Street	Dryden Street
Northbound	5th Street	Golf Street
Southbound	5th Street	Golf Street
Northbound	5th Street	Main Street
Northbound	5th Street	Mason Street
Southbound	5th Street	Mason Street

SCHEDULE II

In accordance with Section 2.409 and when signs are erected giving notice thereof, drivers of vehicles shall stop at each of the following intersections:

Direction of Traffic Movement	Name of Street Traveled On	Must Stop at Street Intersection
Northbound	5th Street Terrace	McDowell Avenue
Northbound	6th Street	McDowell Avenue
Northbound	6th Street Terrace	McDowell Avenue
Northbound	7th Street	Dryden Street
Northbound	7th Street	Golf Street
Southbound	7th Street	McDowell Avenue
Northbound	8th Street	Dryden Street
Southbound	8th Street	Dryden Street
Northbound	8th Street	Main Street
Southbound	8th Street	Pleasant Street
Northbound	9th Street	Dryden Street
Northbound	9th Street	Golf Street
Southbound	9th Street	Main Street
Northbound	9th Street Terrace	Main Street
Northbound	Action Avenue	MO 40 Highway
Northbound	Alley	Mason Street (Between 2nd & 3rd)
Southbound	Alley	Mason Street (Between 2nd & 3rd)
Eastbound	Alley (Between 1st & 2nd Sts., south of Dryden & north of Orchard)	1st Street
Eastbound	Benning Street	Johnson Drive
Westbound	Benning Street	Spring Street
Eastbound	Benning Street	Wells Street
Southbound	Broken Dollar Court	Opera House Lane
Westbound	Browning Drive	Remington Drive
Southbound	Burton Road	North Outer Road
Southbound	Chad's Court	Chestnut Street
Eastbound	Chestnut Street	1st Street
Westbound	Chestnut Street	1st Street
Eastbound	Chestnut Street	2nd Street (MO 131)
Westbound	Chestnut Street	2nd Street (MO 131)
Eastbound	Chestnut Street	3rd Street
Westbound	Chestnut Street	3rd Street
Eastbound	Chestnut Street	4th Street
Westbound	Chestnut Street	4th Street
Westbound	Chestnut Street	5th Street
Eastbound	Chestnut Street	Connor Street
Westbound	Chestnut Street	Connor Street
Eastbound	Chestnut Street	Dyer Street
Eastbound	Chestnut Street	Johnson Drive
Westbound	Chestnut Street	Johnson Drive
Eastbound	Clayton Drive	Owl Creek Parkway
Westbound	Clayton Drive	Owl Creek Parkway
Westbound	Cobb Avenue	2nd Street (MO 131)
Eastbound	College Street	1st Street
Westbound	College Street	1st Street
Eastbound	College Street	2nd Street (MO 131)
Westbound	College Street	2nd Street (MO 131)

SCHEDULE II

In accordance with Section 2.409 and when signs are erected giving notice thereof, drivers of vehicles shall stop at each of the following intersections:

Direction of Traffic Movement	Name of Street Traveled On	Must Stop at Street Intersection
Eastbound	College Street	3rd Street
Westbound	College Street	3rd Street
Westbound	College Street	5th Street
Eastbound	College Street	Connor Street
Westbound	College Street	Connor Street
Eastbound	College Street	Crews Avenue
Westbound	College Street	Crews Avenue
Eastbound	College Street	Wells Terrace
Southbound	College Terrace	College Street
Eastbound	College Terrace	Johnson Drive
Westbound	College Terrace	Johnson Drive
Westbound	Colt Drive	Remington Drive
Northbound	Connor Street	Chestnut Street
Southbound	Connor Street	Chestnut Street
Southbound	Connor Street	Crestview Drive
Southbound	Connor Street	Dryden Street
Southbound	Connor Street	Main Street
Northbound	Connor Street	Mason Street
Southbound	Connor Street	Mason Street
Northbound	Connor Street	Orchard Street
Northbound	Connor Street	Otway Street
Northbound	Connor Street	Phillips Street
Southbound	Connor Street	Phillips Street
Westbound	Crestview Drive	1st Street
Eastbound	Crestview Drive	2nd Street (MO 131)
Westbound	Crestview Drive	3rd Street
Northbound	Crews Avenue	Chestnut Street
Southbound	Crews Avenue	Phillips Street
Eastbound	Dryden Drive	1st Street
Westbound	Dryden Drive	1st Street
Eastbound	Dryden Drive	2nd Street (MO 131)
Westbound	Dryden Drive	2nd Street (MO 131)
Eastbound	Dryden Drive	Johnson Drive
Westbound	Dryden Drive	Johnson Drive
Northbound	Dryden Drive	Main Street
Eastbound	Dryden Drive	Russell Street
Westbound	Dryden Drive	Russell Street
Southbound	Dryden Street	Main Street Ext.
Eastbound	Golf Street	3rd Street
Eastbound	Golf Street	5th Street
Westbound	Golf Street	5th Street
Westbound	Golf Street	9th Street
Westbound	Greenton Circle	Owl Creek Parkway
Southbound	Hereford Court	Opera House Lane
Westbound	High Drive	Connor Street
Eastbound	High Drive	Crews Avenue
Eastbound	Hwy. 40	2nd Street (MO 131)

SCHEDULE II

In accordance with Section 2.409 and when signs are erected giving notice thereof, drivers of vehicles shall stop at each of the following intersections:

Direction of Traffic Movement	Name of Street Traveled On	Must Stop at Street Intersection
Eastbound	Hwy. 40	Johnson Drive
Westbound	Interstate 70 Exit Ramp 37	MO 131 Highway
Eastbound	Interstate 70 Exit Ramp 37A	US 40 Highway
Southbound	James' Circle	Chestnut Street
Northbound	Jennings Dr.	Dryden Street
Northbound	Johnson Drive	Chestnut Street
Southbound	Johnson Drive	Dryden Street
Northbound	Johnson Drive	Main Street
Southbound	Johnson Drive	Main Street
~~Northbound~~	~~Johnson Drive~~	~~Orchard Street~~
Southbound	Johnson Drive	Phillips Street
Southbound	Johnson Drive	Wells Terrace
Westbound	Kirkpatrick Street	9th Street
Southbound	Lake View Road	West Main Street
Eastbound	Lawn Circle	Wells Terrace
Eastbound	Lawn Drive	Crews Avenue
Westbound	Lawn Street	Connor Street
Southbound	Lightner Court	Opera House Lane
Eastbound	Main Street	1st Street
Eastbound	Main Street	2nd Street (MO 131)
Westbound	Main Street	2nd Street (MO 131)
Eastbound	Main Street	4th Street
Westbound	Main Street	4th Street
Eastbound	Main Street	8th Street
Westbound	Main Street	8th Street
Eastbound	Main Street	Johnson Drive
Westbound	Main Street	Johnson Drive
Eastbound	Main Street	W. Railroad Street
Eastbound	Main Street Terrace	Johnson Drive
Eastbound	Marion Street	Connor Street
Westbound	Marion Street	Connor Street
Eastbound	Marion Street	Johnson Drive
Westbound	Marion Street	Russell Street
Eastbound	Marlow Street	1st Street
Westbound	Marlow Street	1st Street
Eastbound	Marlow Street	2nd Street (MO 131)
Westbound	Marlow Street	4th Street
Eastbound	Marlow Street	Connor Street
Westbound	Marlow Street	N.E. Railroad Street
Eastbound	Marlow Street	N.W. Railroad Street
Westbound	Marlow Street	N.W. Railroad Street
Eastbound	Mason Street	2nd Street (MO 131)
Westbound	Mason Street	2nd Street (MO 131)
Westbound	Mason Street	8th Street
Eastbound	Mason Street	Johnson Drive
Eastbound	McDowell Avenue	4th Street
Eastbound	McDowell Avenue	5th Street

SCHEDULE II

In accordance with Section 2.409 and when signs are erected giving notice thereof, drivers of vehicles shall stop at each of the following intersections:

Direction of Traffic Movement	Name of Street Traveled On	Must Stop at Street Intersection
Westbound	McDowell Avenue	5th Street
Westbound	McDowell Avenue	9th Street
Southbound	MO 131 Highway	US 40 Highway
Eastbound	Montgomery Place	Owl Creek Parkway
Eastbound	Montgomery Street	2nd Street (MO 131)
Westbound	Montgomery Street	4th Street
Southbound	Moore Place	Owl Creek Parkway
Eastbound	Mt. Hope Circle	Owl Creek Parkway
Southbound	N.E. Railroad Street	2nd Street (MO 131)
Southbound	N.E. Railroad Street	2nd Street (MO 131)
Northbound	N.W. Railroad Street	2nd Street (MO 131)
Southbound	N.W. Railroad Street	2nd Street (MO 131)
Eastbound	North Outer Road	MO 131 Highway
Westbound	North Outer Road	MO 131 Highway
Westbound	Opera House Lane	9th Street
Eastbound	Opera House Lane	Owl Creek Parkway
Westbound	Opera House Lane	Owl Creek Parkway
Eastbound	Opera House Lane	Ozark Short Lane
Eastbound	Orchard Street	1st Street
Westbound	Orchard Street	1st Street
Eastbound	Orchard Street	2nd Street (MO 131)
Westbound	Orchard Street	2nd Street (MO 131)
Eastbound	Orchard Street	3rd Street
Westbound	Orchard Street	3rd Street
Eastbound	Orchard Street	4th Street
Westbound	Orchard Street	4th Street
Eastbound	Orchard Street	5th Street
Westbound	Orchard Street	5th Street
Westbound	Orchard Street	Jennings Avenue
Eastbound	Orchard Street	Johnson Drive
Westbound	Orchard Street	Johnson Drive
Eastbound	Orchard Street	Russell Street
Westbound	Orchard Street	Russell Street
Eastbound	Otway Street	2nd Street (MO 131)
Westbound	Otway Street	2nd Street (MO 131)
Eastbound	Otway Street	3rd Street
Westbound	Otway Street	3rd Street
Westbound	Otway Street	4th Street
Eastbound	Otway Street	N.W. Railroad Street
Eastbound	Otway Street	Wells Street
Northbound	Owl Creek Parkway	Highway OO
Southbound	Owl Creek Parkway	Highway OO
Westbound	Owl Creek Parkway	Highway OO
Northbound	Owl Creek Parkway	Kirkpatrick Street
~~Northbound~~	~~Owl Creek Parkway~~	~~Opera House Lane~~
~~Southbound~~	~~Owl Creek Parkway~~	~~Opera House Lane~~
Southbound	Ozark Short Line	Highway OO

SCHEDULE II

In accordance with Section 2.409 and when signs are erected giving notice thereof, drivers of vehicles shall stop at each of the following intersections:

Direction of Traffic Movement	Name of Street Traveled On	Must Stop at Street Intersection
Eastbound	Park Drive	4th Street
Southbound	Park Drive	Main Street
Eastbound	Phillips Street	1st Street
Westbound	Phillips Street	1st Street
Eastbound	Phillips Street	2nd Street (MO 131)
Westbound	Phillips Street	2nd Street (MO 131)
Westbound	Phillips Street	3rd Street
Westbound	Quail Creek Drive	Johnson Drive
Northbound	Reich Road	Highway 40
Southbound	Reich Road	Main Street
Northbound	Remington Drive	Cox School Road
Southbound	Remington Drive	Highway OO
Eastbound	Roses Circle	Jennings Avenue
Northbound	Russell Street	Chestnut Street
Southbound	Russell Street	Chestnut Street
Southbound	Russell Street	College Street
Northbound	Russell Street	Crestview Drive
Southbound	Russell Street	Crestview Drive
Northbound	Russell Street	Dryden Street
Southbound	Russell Street	Dryden Street
Northbound	Russell Street	Main Street
Southbound	Russell Street	Main Street
Northbound	Russell Street	Marlow Street
Southbound	Russell Street	Marlow Street
Northbound	Russell Street	Mason Street
Southbound	Russell Street	Mason Street
Northbound	Russell Street	Orchard Street
Southbound	Russell Street	Orchard Street
Northbound	Russell Street	Phillips Street
Southbound	S.E. Railroad Street	Dryden Street
Northbound	S.E. Railroad Street	Mason Street
Southbound	S.E. Railroad Street	Mason Street
Southbound	S.W. Railroad Street	5th Street
Northbound	S.W. Railroad Street	Mason Street
Southbound	S.W. Railroad Street	Mason Street
Northbound	Spring Street	MO 40 Highway
Southbound	Spring Street	Otway Street
Eastbound	US 40 Highway	Interstate 70 Eastbound Exit Ramp 37B
Westbound	US 40 Highway	Interstate 70 Eastbound Exit Ramp 37B
Westbound	Varner Street	Johnson Drive
Southbound	Venita Drive	Owl Creek Parkway
Northbound	Venita Street	Kirkpatrick Street
Southbound	Venita Street	Opera House Lane
Eastbound	Walnut Street	Johnson Drive
Northbound	Wells Circle	College Terrace
Southbound	Wells Street	Dryden Street
Northbound	Wells Street	Main Street

SCHEDULE II

In accordance with Section 2.409 and when signs are erected giving notice thereof, drivers of vehicles shall stop at each of the following intersections:

Direction of Traffic Movement	Name of Street Traveled On	Must Stop at Street Intersection
Southbound	Wells Street	Main Street
Northbound	Wells Street	Mason Street
Southbound	Wells Street	Mason Street
Northbound	Wells Terrace	College Terrace
Southbound	Wells Terrace	Phillips Street
Westbound	Winchester Circle	Remington Drive

SCHEDULE III

In accordance with the provisions of section 2.415-2 and when signs are erected giving notice thereof, no person shall at any time park a vehicle upon any of the following described streets or parts of streets:

Name of Street Parked On	Section of Street Parking Prohibited
1st St.	East side Between Cobb Ave. & W. Main St.
1st St.	West side Between Cobb Ave. & W. Main
2nd St. (Mo. 131)	West side of North 100 Block
2nd St. (Mo. 131)	West side of North 200 Block
4th St.	East side of North 100 Block
4th St.	East side of South 100 Block
4th St.	West side of North 100 Block
5th St.	East side of South 100 Block
5th St.	West side of South 100 Block
5th St.	West side of South 200 Block
5th St.	West side of South 500 Block
Action Ave.	East side of North 300 Block
Action Ave.	East side of North 400 Block
Action Ave.	West side of North 300 Block
Action Ave.	West side of North 400 Block
Cobb Ave.	North side of West 100 Block
Cobb Ave.	South side of West 100 Block
~~Crews Avenue~~	~~East side of South 500 Block~~
~~Crews Avenue~~	~~East side of South 600 Block~~
Crews Avenue	West side of South 500 Block
Crews Avenue	West side of South 600 Block
Hwy. OO	North side of West 300 Block
Hwy. OO	North side of West 400 Block
Johnson Drive	100 Block North -- East Side of Street
Johnson Drive	100 Block North -- West Side of Street
Johnson Drive	100 Block South -- East Side of Street
Johnson Drive	100 Block South -- West Side of Street
Johnson Drive	200 Block North -- East Side of Street
Johnson Drive	200 Block North -- West Side of Street
Johnson Drive	200 Block South -- East Side of Street
Johnson Drive	200 Block South -- West Side of Street
Johnson Drive	300 Block North -- East Side of Street
Johnson Drive	300 Block North -- West Side of Street
Johnson Drive	300 Block South -- East Side of Street
Johnson Drive	300 Block South -- West Side of Street
Johnson Drive	400 Block North -- West Side of Street
Johnson Drive	400 Block South -- East Side of Street
Johnson Drive	400 Block South -- West Side of Street
Johnson Drive	500 Block South -- East Side of Street
Johnson Drive	500 Block South -- West Side of Street
Johnson Drive	600 Block South -- East Side of Street
Johnson Drive	600 Block South -- West Side of Street
Main St.	North of West 200 Block
Main St.	North side of East 100 Block
Main St.	North side of West 300 Block
Main St.	North side of West 400 Block
Main St.	North side of West 500 Block
Main St.	South side of West 200 Block
~~Main St.~~	~~South side of West 300 Block~~

SCHEDULE III

Name of Street Parked On	Section of Street Parking Prohibited
Main St.	South side of West 400 Block
Main St.	South side of West 500 Block
Marlow St.	Both sides of 1000 block
Marlow St.	North side of 900 Block
Marlow St.	North side of West 1000 Block
Marlow St.	North side of West 900 Block
Marlow St.	South side of West 1000 Block
Mason St.	North side of West 500 Block
Mason St.	South side of West 500 Block
Phillips St.	South side between 1st Street and 2nd Street
Phillips St.	South side of West 100 Block
Remington Drive	East side of 900 Block
Remington Drive	West side of 900 Block
Remington Drive	East side of 1000 Block
Remington Drive	West side of 1000 Block
SE Railroad St.	East side of South 100 Block
SE Railroad St.	West side of South 200 Block

SCHEDULE IV

In accordance with provisions of section 2.415-3 and when signs are erected giving notice thereof, no person shall park a vehicle for a period of time longer than thirty (30) minutes between the hours of 9:00 a.m. and 7:00 p.m. of any day except Sundays and public holidays upon any of the following described streets or parts of streets:

Name of Street Parked On	Section of Street Parking Restricted
1st Street	West side of South 100 Block
1st Street	East side of South 200 Block (Only in Front of U.S. Post Office)

In accordance with the provisions of section 2.415-3 when signs are erected giving notice thereof, no person shall park a vehicle between the hours of 8:00 a.m. and 4:00 p.m. on the days that school is in session upon any of the following described streets or parts of streets:

Name of Street Parked On	Section of Street Parking Prohibited
1st Street	East side of South 300 Block (Only from School Crosswalk North to Dryden St.)

In accordance with provisions of section 2.415-3 and when signs are erected giving notice thereof, no person shall park a vehicle for a period of time longer than two (2) hours between the hours of 7:30 a.m. and 4:00 p.m. of any day except Saturday and Sunday and public holidays upon any of the following described streets or parts of streets:

Name of Street Parked On	Section of Street Parking Restricted
3rd Street	700 Block South - West Side of Street (Only in front of School Administration Building.)

In accordance with the provisions of section 2.415-3 and when signs are erected giving notice thereof, no person shall park a vehicle between the hours of 2:30 p.m. and 3:30 p.m. of any day that school is in session.

Name of Street Parked On	Section of Street Parking Restricted
College Street	300 and 400 Block West - North side of street only

In accordance with the provisions of section 2.415-3 and when signs are erected giving notice thereof, no person shall park a vehicle between the hours of 7:00 a.m. and 3:00 p.m. of any day that school is in session. This area is for drop-off and pick-up only.

Name of Street Parked On	Section of Street Parking Restricted
College Street	300 and 400 Block West - South side of street only

SCHEDULE V

In accordance with the provisions of section 2.415-4 and when signs are erected giving notice thereof, no person shall stop, stand or park a vehicle between the hours of 8:00 a.m. and 4:00 p.m. on the days that school is in session, except school busses loading or unloading or preparing to load or unload children, upon any of the following described streets or parts of streets:

Name of Street Parked On	Section of Street Parking Prohibited
1st Street	East side of South 300 Block (Only from School Driveway North to School Crosswalk)
3rd Street	West side of South 600 Block

SCHEDULE VI
Commercial Vehicles Prohibited

In accordance with the provisions of section 2.415-6 and when signs are erected giving notice thereof, no person shall operate any commercial vehicle upon streets or parts of streets so described except those commercial vehicles making deliveries thereon.
Code of Ordinances Section 2.415-6

Name of Street	Direction of Travel
Main Street	East from West City Limits
Dryden Street	East from West Main