

**THE MUNICIPAL CODE**

**OF**

**THE CITY OF STOVER**

---

**THE GENERAL ORDINANCES**

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**PUBLISHED BY ORDER OF THE BOARD OF ALDERMEN**

**Mayor**

Brenda Steffens

**Board Of Aldermen**

Kyle Eckhoff

Jeremy (Jay) Smith

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Cody Worthley

**City Clerk**

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**GENERAL CODE**

**SULLIVAN PUBLICATIONS DIVISION**

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## ADOPTING ORDINANCE



# ADOPTING ORDINANCE

**BILL NO. 761**

**ORDINANCE NO. 756**

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

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

**Section 1.** That pursuant to Section 71.943 of the Revised Statutes of Missouri, the codification of ordinances, as set out in Titles I through VII, each inclusive, of the "Code of Ordinances of the City of Stover" is hereby adopted and enacted as the "Code of Ordinances of the City of Stover"; which shall supersede all other general and permanent ordinances of the City passed on or before May 15, 2006, to the extent provided in Section 3 hereof.

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

**Section 3.** That all ordinances of a general and permanent nature of the City adopted on final passage on or before May 15, 2006, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of this ordinance, except those which may be specifically excepted by separate ordinance, and except the following which are hereby continued in full force and effect, unless specifically repealed by separate ordinance:

- a. Ordinances promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds or notes of the City or any other evidence of the City's indebtedness, or authorizing any contract or obligation assumed by the City;
- b. Ordinances levying taxes or making special assessments;
- c. Ordinances appropriating funds or establishing salaries and compensation, and providing for expenses;
- d. Ordinances granting franchises or rights to any person, firm or corporation;
- e. Ordinances relating to the dedication, opening, closing, naming, establishment of grades, improvement, altering, paving, widening or vacating of streets, alleys, sidewalks or public places;
- f. Ordinances authorizing or relating to particular public improvements;
- g. Ordinances respecting the conveyances or acceptance of real property or easements in real property;
- h. Ordinances dedicating, accepting or vacating any plat or subdivision in the City or any part thereof, or providing regulations for the same;
- i. Ordinances annexing property to the City;

- j. All zoning and subdivision ordinances not specifically repealed and not included herein;
- k. Ordinances establishing TIF districts or redevelopment districts;
- l. Ordinances relating to traffic schedules, (i.e. stop signs, parking limits, etc.);
- m. All ordinances relating to personnel regulations, (i.e. pensions, retirement, job descriptions and insurance, etc.);
- n. Ordinances authorizing the establishment of industrial development corporations;
- o. Ordinances establishing tax rates for the City.

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

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

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

## **Section 5.**

- a. Except as hereinafter provided, whenever in any rule, regulation or order promulgated pursuant to such ordinances of the City, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such City ordinance, rule, regulation or order doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such ordinance of the City, or of any rule, regulation or order promulgated pursuant to such City ordinance, shall be punished by a fine of not less than five dollars (\$5.00) and not more than five hundred dollars (\$500.00) or by imprisonment for a period not to exceed ninety (90) days, or by both such fine and imprisonment.
- b. Whenever any provision of the Revised Statutes of Missouri or other Statute of the State limits the authority of the City to punish the violation of any particular provision of these ordinances or rules, regulations or orders promulgated pursuant thereto to a fine of less amount than that provided in this Section or imprisonment for a shorter term than that provided in this Section, the violation of such particular provision of these ordinances or rules, regulations or orders shall be punished by the imposition of not more than the maximum fine or imprisonment so authorized, or by both such fine and imprisonment.
- c. Whenever any provision of the Revised Statutes of Missouri or other Statute of the State establishes a penalty differing from that provided by this Section for an offense similar to any offense established by these ordinances, rules, regulations or other orders of the City,

## ADOPTING ORDINANCE

the violation of such City law, ordinance, rule, regulation or order shall be punished by the fine or imprisonment established for such similar offense by such State law.

- d. Each day any violation of these ordinances, rules, regulations or orders promulgated pursuant thereto shall continue shall constitute a separate offense, unless otherwise provided.
- e. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

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

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

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

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

**Section 10.** This ordinance and the Code adopted hereby shall become effective March 31, 2008.

**PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF STOVER THIS 17TH DAY OF MARCH, 2008.**

STOVER CITY CODE

**APPROVED BY THE MAYOR OF THE CITY OF STOVER THIS 17TH DAY OF MARCH, 2008.**

Scott Beckmann  
Mayor of the City of Stover

**ATTEST:**

Sharon Fry  
City Clerk

Journal of "ayes" and "nays"

**Board Member**

**Votes**

	<b>Aye</b>	<b>Nay</b>
Diane Cutler	X	
Ruth Hiller	X	
Brad Bauer	X	

# **ELEMENTARY STATEMENT**

This edition of the Municipal Code of the City of Stover is an original codification of the Ordinances of the City of Stover. In preparing this Code the editors used as source material ordinances, statutory material and modifications agreed upon during the editorial conferences and incorporated herein by the adopting ordinance. In order to trace the evolution of each Section, the reader's attention is directed to the history note appearing in parentheses at the end of that Section. The absence of such a note indicates that the section is new and was agreed upon at the editorial conference and adopted for the first time with the adoption of the Code. Three further sources of reference are to be found at the end of this Code. The first is a cross reference of the old Code Section numbers to the new Code Section numbers. The second is a cross reference of the ordinances of a general and permanent nature that have been retained in this volume. The third is a cross reference of the State Statutes that are of a similar nature or enable the corresponding Section of this Code.

## **Format**

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

## **Table of Contents and Alphabetical Index**

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

## **Update Service**

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

## **In Appreciation**

The publishers would like to thank the following people for their time and effort during this recodification: City Clerk, Sharon Fry; Deputy City Clerk, Angie Seaton; Prosecuting Attorney, Laurie Himes; Police Chief, Butch Winslow. In addition to their help, we are grateful to other department heads and staff members who devoted their time. This combined effort cannot help but end in a Code that the City can be proud of and which will be a useful tool for the entire community for years to come.



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#### **ARTICLE I City Incorporation and Seal**

**Section 100.010. Municipal Incorporation.**

The inhabitants of the City of Stover, as its limits now are or may hereafter be defined by law, shall be and continue a body corporate by the name of "The City of Stover" and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatever; may receive and hold property, both real and personal, within such City and may purchase, receive and hold real estate within or without such City for the burial of the dead; and may purchase, hold, lease, sell or otherwise dispose of any property, real or personal, it now owns or may hereafter acquire; may receive bequests, gifts and donations of all kinds of property; and may have and hold one (1) common Seal and may break, change or alter the same at pleasure; and may do any act, exercise any power and render any service which contributes to the general welfare, and all courts of this State shall take judicial notice thereof.

**Section 100.020. City Seal.**

- A. The Seal of the City of Stover shall be circular in form, one and seven-eighths (1  $\frac{7}{8}$ ) inches in diameter, with the words "Stover, MO. Morgan County" engraved across the face thereof, and the words "Clerks Seal" engraved on the face thereof and near the outer edge of said Seal, and the same is hereby declared to be adopted as the Seal of the City of Stover.
- B. The City Clerk shall be the keeper of the common Seal of the City of Stover, and any impression of said Seal to any contract or other 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 cases authorized by law or the ordinances of this City.

ARTICLE II  
**General Code Provisions**

**Section 100.030. Contents of Code.**

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

**Section 100.040. Citation of Code.**

This Code may be known and cited as the "Municipal Code of the City of Stover, Missouri".

**Section 100.050. Official Copy of Code.**

The Official Copy of this Code, bearing the signature of the Mayor and attestation of the City Clerk as to its adoption, shall be kept on file in the office of the City Clerk. Two (2) additional copies of this Code shall be kept in the City Clerk's office available for public inspection.

**Section 100.060. Altering or Amending Code.**

- A. It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Official Copy of the Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby. Any person, firm or corporation violating this Section shall be punished as provided in Section 100.220 of this Code.
- B. This provision shall not apply to amendments, additions or deletions to this Code, duly passed by the Board of Aldermen, which may be prepared by the City Clerk for insertion in this Code.

**Section 100.070. Numbering of Code.**

Each Section number of this Code shall consist of two (2) parts separated by a period; the figure before the period referring to the Chapter number, and the figure after the period referring to the position of the Section in the Chapter. Both figures shall consist of three (3) digits.

**Section 100.080. Definitions and Rules of Construction.**

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

BOARD OF ALDERMEN — The Board of Aldermen of the City of Stover, Missouri.

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

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

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

MAY — Is permissive.

MAYOR — An officer of the City known as the Mayor of the Board of Aldermen of the City of Stover, Missouri.

MONTH — A calendar month.

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

OFFENSE — Shall mean and be the same as ordinance violation and is punishable as provided in Section 100.220 of this Code.

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

PERSON — May extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations.

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

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

PROPERTY — Includes real and personal property.

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

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

SHALL — Is mandatory.

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

STATE — The words "*the State*" or "*this State*" or "*State*" shall mean the State of Missouri.

STREET — Includes any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare, and each of such words shall include all of them.

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

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

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

- B. *Newspaper.* Whenever in this Code or other ordinance of the City it is required that notice be published in the "official newspaper" or a "newspaper of general circulation published in the City", and if there is no newspaper published within the City, the said notice shall be published in a newspaper of general circulation within the City, regardless of its place of publication. Such newspaper shall not include an advertising circular or other medium for which no subscription list is maintained.

#### **Section 100.090. Words and Phrases — How Construed.**

Words and phrases shall be taken in their plain or ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

#### **Section 100.100. Headings.**

The headings of the Chapters and Sections of this Code are intended as guides and not as part of this Code for purposes of interpretation or construction.

**Section 100.110. Continuation of Prior Ordinances.**

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

**Section 100.120. Effect of Repeal of Ordinance.**

No offense committed and no fine, penalty or forfeiture incurred, or prosecution commenced or pending previous to or at the time when any ordinance provision is repealed or amended, shall be affected by the repeal or amendment, but the trial and punishment of all such offenses and the recovery of the fines, penalties or forfeitures shall be had, in all respects, as if the provision had not been repealed or amended, except that all such proceedings shall be conducted according to existing procedural laws.

**Section 100.130. Repealing Ordinance Repealed — Former Ordinance Not Revived — When.**

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

**Section 100.140. Severability.**

It is hereby declared to be the intention of the Board of Aldermen that the Chapters, Sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, Section or Chapter of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, Sections and Chapters of this Code since the same would have been enacted by the Board of Aldermen without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or Section.

**Section 100.150. Tense.**

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

**Section 100.160. Notice.**

- A. Whenever notice may be required under the provisions of this Code or other City ordinance, the same shall be served in the following manner:
1. By delivering the notice to the person to be served personally or by leaving the same at his/her residence, office or place of business with some person of his/her family over the age of fifteen (15) years;
  2. By mailing said notice by certified or registered mail to such person to be served at his/her last known address; or
  3. If the person to be served is unknown or may not be notified under the requirements of this Section, then by posting said notice in some conspicuous place at least five (5) days before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any City Officer, unless permission is given by said officer.

**Section 100.170. Notice — Exceptions.**

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

**Section 100.180. Computation of Time.**

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

**Section 100.190. Gender.**

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

**Section 100.200. Joint Authority.**

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

**Section 100.210. Number.**

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

**ARTICLE III****Penalty****Section 100.220. General Penalty.**

- A. Whenever in this Code or any other ordinance of the City, or in any rule, regulation, notice or order promulgated by any officer or agency of the City under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense, misdemeanor or ordinance violation or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor or ordinance violation, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense, except that imprisonments may be in the City prison or workhouse instead of the County Jail.
- B. Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.
- C. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.



## **Chapter 105**

### **ELECTIONS**

#### **ARTICLE I** **Generally**

**Section 105.010. Conformance of City Elections With State Law.**

**Section 105.020. Date of Municipal Election.**

**Section 105.025. Aldermen to Be Elected at Large.**

**Section 105.030. Declaration of Candidacy — Dates for Filing.**

**Section 105.035. Candidates for Municipal Office — No Arrearage for Municipal Taxes or User Fees Permitted.**

**Section 105.040. Declaration of Candidacy — Notice to Public.**

**Section 105.050. Declaration of Candidacy — Form.**

**Section 105.060. Notice of Elections.**

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#### **ARTICLE I** **Generally**

**Section 105.010. Conformance of City Elections With State Law.**

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

**Section 105.020. Date of Municipal Election.**

- A. A municipal election for the qualified voters of this City shall be held on the first (1st) Tuesday after the first (1st) Monday in April of each year.
- B. On the first (1st) Tuesday after the first (1st) Monday in April of odd-numbered years, a municipal election of the qualified voters of the City of Stover shall be held for the purpose of electing a Mayor who shall hold his/her office for a term of two (2) years and until his/her successor is elected and qualified.
- C. On the first (1st) Tuesday after the first (1st) Monday in April of even-numbered years, a municipal election of the qualified voters of the City of Stover shall be held for the purpose of electing a Collector who shall hold his/her office for a term of two (2) years and until his/her successor is elected and qualified.

**Section 105.025. Aldermen to Be Elected at Large.**

The City of Stover hereby chooses to elect Aldermen at large. The seats of Aldermen shall be filled at large as soon as the current terms expire. Each year thereafter, one-half (½) of the Board of Aldermen shall stand for election at large for a two (2) year term.

**Section 105.030. Declaration of Candidacy — Dates for Filing.**

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

**Section 105.035. Candidates for Municipal Office — No Arrearage for Municipal Taxes or User Fees Permitted. <sup>1</sup>**

No person shall be a candidate for municipal office unless such person complies with the provisions of Section 115.346, RSMo., regarding payment of municipal taxes or user fees.

**Section 105.040. Declaration of Candidacy — Notice to Public.**

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

**Section 105.050. Declaration of Candidacy — Form.**

The form of said written declaration of candidacy shall be substantially as follows:

**DECLARATION OF CANDIDACY**

STATE OF MISSOURI     )  
   )   SS  
 COUNTY OF MORGAN    )

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1. Editor's Note — As to arrearage or delinquency in all taxes, see §115.342, RSMo.

I, \_\_\_\_\_, being first duly sworn, state that I reside at \_\_\_\_\_, City of Stover, County of Morgan, Missouri; that I am a qualified voter; that I do hereby declare myself a candidate for the office of \_\_\_\_\_, to be voted upon at the municipal election to be held on the first (1st) Tuesday after the first (1st) Monday in April, \_\_\_\_\_, and I meet all the qualifications required of a candidate for said office, and I hereby request that my name be printed upon the official ballot for said election for said office, and state that I will serve as such officer, if elected.

Signed:

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
City Clerk  
City of Stover

(SEAL)

**Section 105.060. Notice of Elections.**

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



## **Chapter 110**

### **MAYOR AND BOARD OF ALDERMEN**

#### **ARTICLE I**

##### **Mayor and Board of Aldermen — Generally**

- Section 110.010. Aldermen —  
Qualifications.**
- Section 110.020. Mayor — Qualifications.**
- Section 110.030. Board to Select an  
Acting President —  
Term.**
- Section 110.040. Acting President to  
Perform Duties of Mayor  
— When.**
- Section 110.050. Mayor and Board —  
Duties.**
- Section 110.060. Mayor May Sit in Board.**
- Section 110.070. Ordinances — Procedure  
to Enact.**
- Section 110.080. Bills Must Be Signed —  
Mayor's Veto.**
- Section 110.090. Board to Keep Journal  
of Proceedings.**
- Section 110.100. Board Shall Publish  
Semi-Annual Statements.**

**Section 110.110. No Money of City to Be  
Disbursed Until  
Statement Is Published  
— Penalty.**

**Section 110.120. Board May Compel  
Attendance of Witnesses  
— Mayor to Administer  
Oaths.**

**Section 110.130. Mayor to Sign  
Commissions.**

**Section 110.140. Mayor Shall Have the  
Power to Enforce Laws.**

**Section 110.150. Mayor —  
Communications to  
Board.**

**Section 110.160. Mayor May Remit Fine  
— Grant Pardon.**

#### **ARTICLE II**

##### **Board of Aldermen Meetings**

**Section 110.170. Regular Meetings.**

**Section 110.180. Special Meetings.**

**Section 110.190. Quorum Must Be  
Present.**

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#### **ARTICLE I**

##### **Mayor and Board of Aldermen — Generally**

##### **Section 110.010. Aldermen — Qualifications.**

No person shall be an Alderman unless he/she be at least twenty-one (21) years of age, a citizen of the United States, and an inhabitant and resident of the City for one (1) year next preceding his/her election, and a resident, at the time he/she files and during the time he/she serves, of the ward from which he/she is elected.

**Section 110.020. Mayor — Qualifications.**

No person shall be Mayor unless he/she be at least twenty-five (25) years of age, a citizen of the United States, and a resident of the City at the time of and for at least one (1) year next preceding his/her election.

**Section 110.030. Board to Select an Acting President — Term.**

The Board shall elect one (1) of their own number who shall be styled "*Acting President of the Board of Aldermen*" and who shall serve for a term of one (1) year.

**Section 110.040. Acting President to Perform Duties of Mayor — When.**

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 Acting President 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 be filled or such disability be removed or, in case of temporary absence, until the Mayor's return.

**Section 110.050. Mayor and Board — Duties.**

The Mayor and Board of Aldermen of each City governed by this Chapter shall have the care, management and control of the City and its finances and shall have power to enact and ordain any and all ordinances not repugnant to the Constitution and laws of this State, and such as they shall deem expedient for the good government of the City, the preservation of peace and good order, the benefit of trade and commerce, and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect and to alter, modify or repeal the same.

**Section 110.060. Mayor May Sit in 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, nor shall he/she preside or vote in cases when he/she is an interested party. He/she shall exercise a general supervision over all the officers and affairs of the City and shall take care that the ordinances of the City, and the State laws relating to such City, are complied with.

**Section 110.070. Ordinances — Procedure to Enact.**

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

is under consideration by the Board of Aldermen. No bill shall become an ordinance until it shall have been signed by the Mayor, or person exercising the duties of the Mayor's office, or shall have been passed over the Mayor's veto as herein provided.

**Section 110.080. Bills Must Be Signed — Mayor's Veto.**

Every bill duly passed by the Board of Aldermen and presented to the Mayor and by him/her approved shall become an ordinance, and every bill presented as aforesaid, but returned with the Mayor's objections thereto, shall stand reconsidered. The Board of Aldermen shall cause the objections of the Mayor to be entered at large upon the journal and proceed at its convenience to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the Mayor thereto notwithstanding?" The vote on this question shall be taken by "ayes" and "nays" and the names entered upon the journal, and if two-thirds (2/3) of all the members-elect shall vote in the affirmative, the City Clerk shall certify the fact on the roll, and the bill thus certified shall be deposited with the proper officer and shall become an ordinance in the same manner and with like effect as if it had received the approval of the Mayor. The Mayor shall have power to sign or veto any ordinance passed by the Board of Aldermen; provided, that should he/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 of Aldermen, the same shall become a law without his/her signature.

**Section 110.090. Board to Keep 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 (2) members. The Board of Aldermen may prescribe and enforce such rules as it may find necessary for the expeditious transaction of its business.

**Section 110.100. Board Shall Publish Semi-Annual Statements.**

The Board of Aldermen shall semi-annually each year, at times to be set by the Board of Aldermen, 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 with the last day of the month immediately preceding the date of such report, which account and statement shall be published in some newspaper in the City.

**Section 110.110. No Money of City to Be Disbursed Until Statement Is Published — Penalty.**

In the event the financial statement of the City is not published as required by Section 110.100, the Treasurer of the City shall not pay out any money of the City on any warrant or order of the Board of Aldermen after the end of the month in which such financial statement should have been published until such time as such financial statement is published. Any Treasurer violating the provisions of this Section shall be deemed guilty of a ordinance violation.

**Section 110.120. Board May Compel Attendance of Witnesses — Mayor to Administer Oaths.**

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 the County in which such City is located, to execute such process. The officer making such service shall be allowed to receive therefor such fees as are allowed by law in the Circuit Court for similar services, to be paid by the City. The Mayor or Acting President of the Board of Aldermen shall have power to administer oaths to witnesses.

**Section 110.130. Mayor to Sign Commissions.**

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.

**Section 110.140. Mayor Shall Have the Power to Enforce Laws.**

The Mayor shall be active and vigilant in enforcing all laws and ordinances for the government of the City, and he/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 male inhabitant of the City over eighteen (18) years of age and under fifty (50) to aid in enforcing the laws.

**Section 110.150. 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.

**Section 110.160. Mayor May Remit Fine — Grant Pardon.**

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 said City by reason of any prosecution under the laws or ordinances of such City.

**ARTICLE II**  
**Board of Aldermen Meetings**

**Section 110.170. Regular Meetings.**

The Board of Aldermen of the City of Stover, Missouri, shall meet in regular session in the City Hall at 5:00 P.M. on the third (3rd) Monday of each month.

**Section 110.180. Special Meetings.**

Special meetings may be called by the Mayor or by any three (3) members of the Board by written request filed with the City Clerk who shall thereupon prepare a notice of such special meeting in conformance with Chapter 120, Open Meetings and Records Policy, of this Code.

**Section 110.190. Quorum Must Be Present.**

At the hour appointed, the Mayor, or in his/her absence the Acting President of the Board of Aldermen, shall call the Board to order, the Clerk shall call the roll of members and announce whether or not a quorum is present. A majority of the members elected to the Board shall constitute a quorum. If a quorum not be present, a smaller number may lawfully adjourn the meeting from day to day until a quorum is present.



## **Chapter 115**

### **CITY OFFICIALS**

#### **ARTICLE I** **General Provisions**

- Section 115.010. Elective Officers — Terms.**
- Section 115.020. Appointive Officers.**
- Section 115.030. Removal of Officers.**
- Section 115.040. Officers to Be Voters and Residents — Exceptions.**
- Section 115.050. Officers' Oath — Bond.**
- Section 115.060. Salaries Fixed by Ordinance.**
- Section 115.070. Vacancies in Certain Offices — How Filled.**
- Section 115.080. Powers and Duties of Officers to Be Prescribed by Ordinance.**

#### **ARTICLE II** **City Clerk**

- Section 115.090. City Clerk — Election — Duties.**
- Section 115.095. Deputy City Clerk.**

#### **ARTICLE III** **City Treasurer**

- Section 115.100. Treasurer — Duties — Bond.**

#### **ARTICLE IV** **City Collector**

- Section 115.110. Duties Generally.**
- Section 115.120. Collector to Make Annual Report.**
- Section 115.130. Deputy Collector.**

#### **ARTICLE V** **City Attorney**

- Section 115.140. Appointment — Term.**

#### **ARTICLE VI** **City Prosecutor**

- Section 115.150. Appointment — Term.**
- Section 115.160. Qualifications.**
- Section 115.170. Duties Generally.**
- Section 115.180. Temporary Absence — Acting City Prosecutor.**

#### **ARTICLE VII** **Miscellaneous Provisions**

- Section 115.190. Officers to Report Receipts and Expenditures.**
- Section 115.200. Mayor or Board May Inspect Books and Records of Officers.**
- Section 115.210. New Clean Air Regulations Enacted.**

ARTICLE I  
**General Provisions**

**Section 115.010. Elective Officers — Terms.**

The following officers shall be elected by the qualified voters of the City and shall hold office for the term of two (2) years, except as otherwise provided in this Section, and until their successors are elected and qualified, to wit: Mayor, Board of Aldermen and Collector.

**Section 115.020. Appointive 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 Chief of Police, City Treasurer, City Attorney, City Assessor, Street Commissioner and Night Watchman 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 counsel 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 therefor.

**Section 115.030. Removal of Officers.**

The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office, for cause shown, any elective officer of the City, such officer being first 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 (2/3) vote of all 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 officer may be so removed by a two-thirds (2/3) vote of all the members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. The Board of Aldermen may pass ordinances regulating the manner of impeachments and removals.

**Section 115.040. Officers to Be Voters and Residents — Exceptions.**

Except as provided herein, all officers elected to offices or appointed to fill a vacancy in any elective office under the City Government shall be voters under the laws and Constitution of this State and the ordinances of the City except that appointed officers need not be voters of the City. No person shall be elected or appointed to any office who shall at the time be in arrears for any unpaid City taxes or forfeiture or defalcation in office. All officers, except appointed officers, shall be residents of the City.

**Section 115.050. 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 some court of



record in the County, or 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/herself while in office; which official oath or affirmation shall be filed with the City Clerk. Every officer of the City, when required by law or ordinance, shall, within fifteen (15) 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 will 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 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 thereon by the City, or by any person in the name of the City, to the use of such person.

#### **Section 115.060. Salaries Fixed by Ordinance.**

The Board of Aldermen shall fix the 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.

#### **Section 115.070. Vacancies in Certain Offices — How Filled.**

If a vacancy occurs in any elective office, the Mayor or the person exercising the duties of the 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 Board of Aldermen may adopt procedures to fill vacancies consistent with this Section. 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 (1st) regular meeting of the Board of Aldermen thereafter, at which time such vacancy shall be permanently filled.

#### **Section 115.080. Powers and Duties of Officers to Be Prescribed by Ordinance.**

The duties, powers and privileges of officers of every character in any way connected with the City Government, not herein defined, shall be prescribed by ordinance. Bonds may be required of any such officers for faithfulness in office in all respects.

## ARTICLE II City Clerk

### **Section 115.090. City Clerk — Election — Duties.**

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

### **Section 115.095. Deputy City Clerk.**

**[Ord. No. 694 §§1 — 2, 8-16-2004; Ord. No. 701 §§1 — 2, 1-24-2005]**

- A. In accordance with Section 79.230, RSMo., the office of Deputy City Clerk is hereby created with the Deputy City Clerk to have the identical duties to those previously set out for the office of City Clerk and to be a deputy thereto.
- B. The Deputy City Clerk shall be appointed by the Mayor of the City with the consent and approval of a majority of the members of the Board of Aldermen, all as provided in Section 79.230, RSMo.

## ARTICLE III City Treasurer

### **Section 115.100. Treasurer — Duties — Bond.**

The Treasurer shall receive and safely keep all monies, warrants, books, bonds and obligations entrusted to his/her care and shall pay over all monies, bonds or other obligations of the City on warrants or orders duly drawn, passed or ordered by the Board of Aldermen and signed by the Mayor and attested by the City Clerk and having the Seal of the City affixed thereto and not otherwise and shall perform such other duties as may be required of him/her by ordinance. Before entering upon the duties of his/her office, he/she shall give bond in the amount of three hundred thousand dollars (\$300,000.00).

## ARTICLE IV City Collector

### **Section 115.110. Duties Generally.**

The Collector shall perform all the duties specified in this Code and shall perform such other duties as may be directed by the Mayor.

**Section 115.120. Collector to Make Annual Report.**

The Collector shall annually, at such times as may be designated by ordinance, make a detailed report to the Board of Aldermen stating the various monies collected by him/her during the year, and the amounts uncollected, and the names of the persons from which he/she failed to collect, and the causes therefor.

**Section 115.130. Deputy Collector.**

The Mayor may appoint a Deputy Collector to be approved by the Board of Aldermen, and when such Deputy Collector shall have taken and subscribed to the oath provided by this Code, he/she shall possess all the qualifications and powers and be charged with the same duties as the Collector.

**ARTICLE V****City Attorney****Section 115.140. Appointment — Term.**

- A. The Mayor, with the advice and consent of the Board of Aldermen, at the first (1st) meeting after each annual City election shall appoint a suitable person as City Attorney who shall hold office until his/her successor is appointed and qualified.
- B. *Qualifications.* No person shall be appointed to the office of City Attorney unless he/she be a licensed and practicing attorney at law in this State.

**ARTICLE VI****City Prosecutor****Section 115.150. Appointment — Term.**

The Mayor, with the advice and consent of the Board of Aldermen, shall appoint a suitable person or firm as City Prosecutor who shall hold office at the pleasure of the Mayor and Board of Aldermen, and until a successor is appointed and qualified.

**Section 115.160. Qualifications.**

No person shall be appointed to the office of City Prosecutor unless he/she be a licensed and practicing attorney at law in this State and no firm shall be appointed to the office of City Prosecutor unless all members of that firm are licensed and practicing attorneys at law in this State.

**Section 115.170. Duties Generally.**

- A. The Prosecutor shall, in addition to his/her other duties which are or may be required by this Code or other ordinances:

1. Prepare all charges or complaints against a party or parties charged with violation of this Code or other ordinances of this City.
2. Prosecute all persons charged with the violation of this Code or other ordinances of the City when the same is a contested case.
3. Prosecute or defend all criminal suits and actions originating or pending in any court of this State to which the City is a party, or in which the City is interested, when so ordered by the Mayor or Board of Aldermen to do so; to make affidavits on behalf of the City in all cases where the same may be necessary in case of appeal or change of venue or any other matter necessary to properly forward the proceeding.
4. Report to the Board of Aldermen the condition of any matters pending or unsettled in the Municipal Court, or any other proceeding pending in any other court in which he/she may have charge under orders of the Mayor or Board of Aldermen.
5. The City Prosecutor shall report to and be subject to the direction of the City Attorney.

**Section 115.180. Temporary Absence — Acting City Prosecutor.**

In the case of absence, sickness or other inability of the City Prosecutor to attend court or other duties, he/she shall arrange that some other licensed attorney act in his/her absence.

ARTICLE VII

**Miscellaneous Provisions**

**Section 115.190. Officers to Report Receipts and Expenditures.**

It shall be the duty of all the officers of the City to report annually to the Board of Aldermen, such reports to embrace a full statement of the receipts and expenditures of their respective offices and such other matters as may be required by the Board of Aldermen by ordinance, resolution or otherwise.

**Section 115.200. Mayor or Board May Inspect Books and Records of Officers.**

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

**Section 115.210. New Clean Air Regulations Enacted.**

**[Ord. No. 859, 11-26-2018]**

New regulations prohibiting smoking, (including e-cigarettes) and tobacco products will not be allowed in buildings or vehicles owned by the City of Stover.

## **Chapter 117**

### **CONFLICTS OF INTEREST**

**Section 117.010. Declaration of Policy.**

**Section 117.040. Filing of Reports.**

**Section 117.020. Conflicts of Interest.**

**Section 117.050. When Filed.**

**Section 117.030. Disclosure Reports.**

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#### **Section 117.010. Declaration of Policy.**

**[Ord. No. 843 §1, 11-21-2016; Ord. No. 865, 7-23-2019; Ord. No. 879, 7-17-2021]**

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

#### **Section 117.020. Conflicts of Interest.**

**[Ord. No. 843 §2, 11-21-2016; Ord. No. 865, 7-23-2019; Ord. No. 879, 7-17-2021]**

The Mayor or any member of the Board of Aldermen who has a substantial personal or private interest, as defined by State law, in any bill shall disclose on the records of the Board of Aldermen the nature of his/her interest and shall disqualify himself/herself from voting on any matters relating to this interest.

#### **Section 117.030. Disclosure Reports.**

**[Ord. No. 843 §3, 11-21-2016; Ord. No. 865, 7-23-2019; Ord. No. 879, 7-17-2021]**

- A. Each elected official, the Chief Administrative Officer, the Chief Purchasing Officer and the general counsel (if employed full-time) shall disclose the following information by May 1 if any such transactions were engaged in during the previous calendar year:
1. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision; and
  2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, had with the

political subdivision, other than payment of any tax;, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.

3. The Chief Administrative Officer and the Chief Purchasing Officer also shall disclose by May 1 for the previous calendar year the following information:
  - a. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;
  - b. The name and address of each sole proprietorship that he/she owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he/she was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;
  - c. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

#### **Section 117.040. Filing of Reports.**

**[Ord. No. 843 §4, 11-21-2016; Ord. No. 865, 7-23-2019; Ord. No. 879, 7-17-2021]**

The reports, in the attached format, shall be filed with the City Clerk and with the Secretary of State prior to January 1, 1993, and thereafter with the Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

#### **Section 117.050. When Filed.**

**[Ord. No. 843 §5, 11-21-2016; Ord. No. 865, 7-23-2019; Ord. No. 879, 7-17-2021]**

- A. The financial interest statements shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year:
  1. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment;
  2. Every other person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any

member of the Board of Aldermen may supplement the financial interest statement to report



additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.



## **Chapter 120**

### **OPEN MEETINGS AND RECORDS POLICY**

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#### **ARTICLE I In General**

**Section 120.010. Definitions.**

As used in this Chapter, unless the context otherwise indicates, the following terms mean:

**CLOSED MEETING, CLOSED RECORD or CLOSED VOTE** — Any meeting, record or vote closed to the public.

**COPYING** — If requested by a member of the public, copies provided as detailed in Section 120.110 of this Chapter, if duplication equipment is available.

**PUBLIC BUSINESS** — All matters which relate in any way to performance of the City's functions or the conduct of its business.

**PUBLIC GOVERNMENTAL BODY** — Any legislative, administrative or governmental entity created by the Constitution or Statutes of this State, orders or ordinances of the City, judicial entities when operating in an administrative capacity or by executive order, including:

1. Any advisory committee or commission appointed by the Mayor or Board of Aldermen.
2. Any department or division of the City.
3. Any other legislative or administrative governmental deliberative body under the direction of three (3) or more elected or appointed members having rulemaking or quasi-judicial power.
4. Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body's governing board or its Chief Administrative Officer, policy or policy revisions or expenditures of public funds.
5. Any quasi-public governmental body. The term "*quasi-public governmental body*" means any person, corporation or partnership organized or authorized to do business in this State pursuant to the provisions of Chapters 352, 353 or 355, RSMo., or unincorporated association which either:
  - a. 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; or
  - b. Performs a public function, as evidenced by a statutorily or ordinance-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, rights of eminent domain, or the contracting of lease-back agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from the City, but only to the extent that a meeting, record or vote relates to such appropriation.

**PUBLIC MEETING** — Any meeting of a public governmental body subject to this Chapter 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 public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this Chapter, but the term shall include a vote of all or a majority of the 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 gathered at one (1) location in order to conduct public business.

**PUBLIC RECORD** — Any record, whether written or electronically stored, retained by 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 private contractors under an agreement with a public governmental body or on behalf of a 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 body or presented at a public meeting. Any documents or study prepared for a public governmental body by a consultant or other professional service as described in this subdivision shall be retained by the public governmental body in the same manner as any other public record.

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

**Section 120.020. Meetings, Records and Votes to Be Public — Exceptions.**

- A. All meetings, records and votes are open to the public, except that any meeting, record or vote relating to one (1) or more of the following matters, as well as other materials designated elsewhere in this Chapter, shall be closed unless the public governmental body votes to make them public:
1. Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public governmental body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that 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 monies 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 a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes or vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase or sale of the real estate.
  3. Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or

recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two (72) hours of the close of the meeting where such action occurs; provided however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two (72) hour period before such decision is made available to the public. As used in this Subsection, the term "*personal information*" means information relating to the performance or merit of individual employees.

4. Non-judicial mental or physical health proceedings involving an identifiable person, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.
5. Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again.
6. Welfare cases of identifiable individuals.
7. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.
8. Software codes for electronic data processing and documentation thereof.
9. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.
10. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.
11. 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 and lengths of service of officers and employees of public agencies once they are employed as such.
12. Records which are protected from disclosure by law.
13. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.
14. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.
15. 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.
16. 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 non-disclosure outweighs the public interest in disclosure of the records. This exception shall sunset on December 31, 2008.

17. 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 related 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 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 non-disclosure outweighs the public interest in disclosure of the records.
  - c. Records that are voluntarily submitted by a non-public entity shall be reviewed by the receiving agency within ninety (90) 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 non-public governmental body or destroyed.
  - d. This exception shall sunset on December 31, 2008.
18. 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 monies paid by, or on behalf of, a public governmental body for such computer, computer system, computer network or telecommunications network, shall be open.
19. 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 body 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 120.030. Electronic Transmissions — Public Record — When.**

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 (2) 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 exception of Section 610.021, RSMo.

**Section 120.040. Notices of Meetings.**

- A. All public governmental bodies shall give notice of the time, date and place of each meeting and its tentative agenda 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. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.
- B. Notice conforming with all of the requirements of Subsection (A) of this Section shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when City Hall is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.
- C. The City shall allow for the recording by audiotape, videotape or other electronic means of any open meeting. The City 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 120.020 shall be permitted without permission of the City; any person who violates this provision shall be guilty of an ordinance violation.
- D. Each governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by

reference to a specific exception allowed pursuant to Section 120.020 hereof. The notice shall be the same as described in Subsection (A) herein.

- E. 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 120.050. Closed Meetings — How Held.**

- A. Except as set forth in Subsection (D) of Section 120.040, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific Section of this Chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.
- B. Any meeting or vote closed pursuant to Section 120.020 shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. Public governmental bodies holding a closed meeting shall close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.

#### **Section 120.060. Journals of Meetings and Records of Voting.**

- A. Except as provided in Section 120.020, rules authorized pursuant to Article III of the Missouri Constitution 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 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.

- B. 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 vote taken at such meeting. The minutes shall include the date, time, place, members present, members absent, and a record of 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 120.070. Accessibility of Meetings.**

- A. Each meeting shall be held at a place reasonably accessible to the public and of sufficient size to accommodate the anticipated attendance by members of the public and at a time reasonably convenient to the public unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.
- B. When it is necessary to hold a meeting on less than twenty-four (24) hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

#### **Section 120.080. Segregation of Exempt Material.**

If a public record contains material which is not exempt from disclosure, as well as material which is exempt from disclosure, the custodian shall separate the exempt and non-exempt material and make the non-exempt material available for examination and copying in accord with the policies provided herein. When designing a public record the custodian shall, to the extent practicable, facilitate a separation of exempt from non-exempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the custodian shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

#### **Section 120.090. Custodian Designated — Response to Request for Access to Records.**

- A. The City Clerk shall be the custodian of records and will be responsible for maintenance and control of all records. The custodian may designate deputy custodians in operating departments of the City and such other departments or offices as the custodian may determine. Deputy custodians shall conduct matters relating to public records and meetings in accord with the policies enumerated herein.
- B. Each public governmental body shall make available for inspection and copying by the public of that body's public records. No person shall remove original public records from the office of a public governmental body or its custodian without written permission of the designated custodian. No public governmental body shall, after August 28, 1998, grant to any person or entity, whether by contract, license or otherwise, the exclusive right to access and disseminate any public record unless the granting of such right is necessary to facilitate coordination with, or uniformity among, industry regulators having similar authority.

- C. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third (3rd) business day following the date the request is received by the custodian of records of a public governmental body. If records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three (3) days for reasonable cause.
- D. 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 (3rd) business day following the date that the request for the statement is received.

**Section 120.100. Violations — Remedies, Procedure, Penalty — Validity of Actions by Governing Bodies in Violation — Governmental Bodies May Seek Interpretation of Law.**

- A. The remedies provided by this Section against public governmental bodies shall be in addition to those provided by any other provision of law. Any aggrieved person, taxpayer to, or citizen of this State may seek judicial enforcement of the requirements of Sections 610.010 to 610.026, RSMo. Suits to enforce Sections 610.010 to 610.026, RSMo., shall be brought in the Circuit Court for the County in which the public governmental body has its principal place of business. Upon service of a summons, petition, complaint, counterclaim or cross-claim in a civil action brought to enforce the provisions of Sections 610.010 to 610.027, RSMo., the custodian of the public record that is the subject matter of such civil action shall not transfer custody, alter, destroy or otherwise dispose of the public record sought to be inspected and examined, notwithstanding the applicability of an exemption pursuant to Section 610.021, RSMo., or the assertion that the requested record is not a public record until the court directs otherwise.
- B. Once a party seeking judicial enforcement of Sections 610.010 to 610.026, RSMo., demonstrates to the court that the body in question is subject to the requirements of Sections 610.010 to 610.026, RSMo., and has held a closed meeting, record or vote, the burden of persuasion shall be on the body and its members to demonstrate compliance with the requirements of Sections 610.010 to 610.026, RSMo.
- C. Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has knowingly violated Sections 610.010 to 610.026, RSMo., the public governmental body or the member shall be subject to a civil penalty in an amount up to one thousand dollars (\$1,000.00). If the court finds that there is a knowing violation of Sections 610.010 to 610.026, RSMo., the court may order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing a violation. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the public governmental body or member of a public governmental body has violated Sections 610.010 to 610.026, RSMo., previously.

- D. Upon a finding by a preponderance of the evidence that a public governmental body or a member of a public governmental body has purposely violated Sections 610.010 to 610.026, RSMo., the public governmental body or the member shall be subject to a civil penalty in an amount up to five thousand dollars (\$5,000.00). If the court finds that there was a purposeful violation of Sections 610.010 to 610.026, RSMo., then the court shall order the payment by such body or member of all costs and reasonable attorney fees to any party successfully establishing such a violation. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the public governmental body or member of a public governmental body has violated Sections 610.010 to 610.026, RSMo., previously.
- E. Upon a finding by a preponderance of the evidence that a public governmental body has violated any provision of Sections 610.010 to 610.026, RSMo., a court shall void any action taken in violation of Sections 610.010 to 610.026, RSMo., if the court finds under the facts of the particular case that the public interest in the enforcement of the policy of Sections 610.010 to 610.026, RSMo., outweighs the public interest in sustaining the validity of the action taken in the closed meeting, record or vote. Suit for enforcement shall be brought within one (1) year from which the violation is ascertainable and in no event shall it be brought later than two (2) years after the violation. This Subsection shall not apply to an action taken regarding the issuance of bonds or other evidence of indebtedness of a public governmental body if a public hearing, election or public sale has been held regarding the bonds or evidence of indebtedness.
- F. A public governmental body which is in doubt about the legality of closing a particular meeting, record or vote may bring suit at the expense of that public governmental body in the Circuit Court of the County of the public governmental body's principal place of business to ascertain the propriety of any such action or seek a formal opinion of the Attorney General or an attorney for the governmental body.

**Section 120.110. Fees for Copying Public Records — Limitations.**

- A. Except as otherwise provided by law, each public governmental body shall provide access to and, upon request, furnish copies of public records subject to the following:
  - 1. Fees for copying public records, except those records restricted under Section 32.091, RSMo., shall not exceed ten cents (\$.10) per page for a paper copy not larger than nine (9) by fourteen (14) inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the public governmental body. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the public governmental body shall produce the copies using employees of the body that result in the lowest amount of charges for search, research and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the public governmental body to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of

the public governmental body and is not primarily in the commercial interest of the requester.

2. Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than nine (9) by fourteen (14) inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the public governmental body required for making copies and programming, if necessary, and the cost of the disk, tape or other medium used for the duplication. Fees for maps, blueprints or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual cost of such programming.
- B. Payment of such copying fees may be requested prior to the making of copies.

## ARTICLE II

### **Law Enforcement Arrest Reports and Records, Incident Reports, Etc.**

#### **Section 120.120. Definitions.**

As used in this Article, the following terms shall have the following definitions:

**ARREST** — An actual restraint of the person of the defendant, or by his/her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked.

**ARREST REPORT** — A record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor.

**INACTIVE** — An investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

1. A decision by the law enforcement agency not to pursue the case.
2. Expiration of the time to file criminal charges pursuant to the applicable statute of limitations or ten (10) years after the commission of the offense, whichever date earliest occurs.
3. Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons.

**INCIDENT REPORT** — A record of a law enforcement agency consisting of the date, time, specific location, name of the victim, and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency.

**INVESTIGATIVE REPORT** — A record, other than an arrest or incident report, prepared by personnel of a law enforcement agency inquiring into a crime or suspected crime either in response to an incident report or in response to evidence developed by Law Enforcement Officers in the course of their duties.

**Section 120.130. Police Department Records.**

- A. The Police Department of the City shall maintain records of all incidents reported to the Police Department and investigations and arrests made by the Police Department. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of Subsection (C) of this Section or Section 320.083, RSMo., investigative reports of the Police Department are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within thirty (30) days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed and except as provided in Section 120.150.
- B. Except as provided in Subsections (C) and (D) of this Section, if any portion of a record or document of a Police Department Officer or the Police Department, other than an arrest report which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for Police Department investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this Chapter.
- C. Any person, a family member of such person within the first degree of consanguinity of such person if deceased or incompetent, attorney for a person or insurer of a person involved in any incident or whose property is involved in an incident may obtain any records closed pursuant to this Section or Section 120.150 for purposes of investigation of any civil claim or defense as provided by this Subsection. Any individual, his/her attorney or insurer involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident and may obtain access to other records closed by the Police Department pursuant to this Section. Within thirty (30) days of such request, the Police Department shall provide the requested material or file a motion pursuant to this Subsection with the Circuit Court having jurisdiction over the Police Department stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. Pursuant to Section 610.100(4), RSMo., if, based on such motion, the court finds for the Police Department, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this Subsection.
- D. Any person may apply pursuant to this Subsection to the Circuit Court having jurisdiction for an order requiring a Law Enforcement Agency to open incident reports and arrest reports being unlawfully closed pursuant to the Section. If the court finds by a preponderance of the evidence that the Law Enforcement Officer or Agency has

knowingly violated this Section, the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars (\$1,000.00). If the court finds that there is a knowing violation of this Section, the court may order payment by such officer or agency of all costs and attorneys' fees as provided by Section 610.027, RSMo. If the court finds by a preponderance of the evidence that the Law Enforcement Officer or Agency has purposely violated this Section, the officer or agency shall be subject to a civil penalty in an amount up to five thousand dollars (\$5,000.00) and the court shall order payment by such officer or agency of all costs and attorney fees as provided in Section 610.027, RSMo. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the Law Enforcement Officer or Agency has violated this Section previously.

- E. The victim of an offense as provided in Chapter 566, RSMo., may request that his/her identity be kept confidential until a charge relating to such incident is filed.

**Section 120.140. Effect of Nolle Pros, Dismissal and Suspended Imposition of Sentence on Records.**

- A. If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty, or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated, except as provided in Subsection (B) of this Section and Section 120.150 and except that the court's judgment or order or the final action taken by the prosecutor in such matters may be accessed. If the accused is found not guilty due to mental disease or defect pursuant to Section 552.030, RSMo., official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child care agencies, facilities as defined in Section 198.006, RSMo., and in-home services provider agencies as defined in Section 660.250, RSMo., in the manner established by Section 120.150.
- B. If the person arrested is charged with an offense found in Chapter 566, RSMo., Section 568.045, 568.050, 568.060, 568.065, 568.080, 568.090 or 568.175, RSMo., and an imposition of sentence is suspended in the court in which the action is prosecuted, the official records pertaining to the case shall be made available to the victim for the purpose of using the records in his/her own judicial proceeding or if the victim is a minor to the victim's parents or guardian, upon request.

**Section 120.150. Public Access of Closed Arrest Records.**

- A. Records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this Section and Section 43.507, RSMo. The closed records shall be available to: criminal justice agencies for the administration of criminal justice pursuant to Section 43.500, RSMo., criminal justice employment, screening persons with access to criminal justice facilities, procedures and sensitive information; to law enforcement agencies for issuance or renewal of a license, permit, certification, or registration of authority from such agency including, but not limited to, watchmen, security personnel, private investigators,

and persons seeking permits to purchase or possess a firearm; those agencies authorized by Section 43.543, RSMo., to submit and when submitting fingerprints to the central repository; the Sentencing Advisory Commission created in Section 558.019, RSMo., for the purpose of studying sentencing practices in accordance with Section 43.507, RSMo.; to qualified entities for the purpose of screening providers defined in Section 43.540, RSMo.; the Department of Revenue for driver license administration; the Division of Workers' Compensation for the purposes of determining eligibility for crime victims' compensation pursuant to Sections 595.010 to 595.075, RSMo.; Department of Health and Senior Services for the purpose of licensing and regulating facilities and regulating in-home services provider agencies and Federal agencies for purposes of criminal justice administration, criminal justice employment, child, elderly or disabled care, and for such investigative purposes as authorized by law or presidential executive order.

- B. These records shall be made available only for the purposes and to the entities listed in this Section. A criminal justice agency receiving a request for criminal history information under its control may require positive identification, to include fingerprints of the subject of the record search, prior to releasing closed record information. Dissemination of closed and open records from the Missouri criminal records repository shall be in accordance with Section 43.509, RSMo. All records which are closed records shall be removed from the records of the Police Department and Municipal Court which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.

#### **Section 120.160. "911" Telephone Reports.**

Except as provided by this Section, any information acquired by the Police Department by way of a complaint or report of a crime made by telephone contact using the emergency number "911" shall be inaccessible to the general public. However, information consisting of the date, time, specific location, and immediate facts and circumstances surrounding the initial report of the crime or incident shall be considered to be an incident report and subject to Section 120.130. Any closed records pursuant to this Section shall be available upon request by law enforcement agencies or the Division of Workers' Compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown.

#### **Section 120.170. Daily Log or Record Maintained by Police Department of Crimes, Accidents or Complaints — Public Access to Certain Information.**

- A. The City of Stover Police Department, if it maintains a daily log or record that lists suspected crimes, accidents or complaints, shall make available the following information for inspection and copying by the public:
1. The time, substance and location of all complaints or requests for assistance received by the Police Department;

2. The time and nature of the Police Department's response to all complaints or requests for assistance; and
3. If the incident involves an alleged offense or infraction:
  - a. The time, date and location of occurrence;
  - b. The name and age of any victim, unless the victim is a victim of a crime under Chapter 566, RSMo.;
  - c. The factual circumstances surrounding the incident; and
  - d. A general description of any injuries, property or weapons involved.



# **Chapter 125**

## **MUNICIPAL COURT**

### **ARTICLE I** **General Provisions**

**Section 125.010. Municipal Court – Designated.**  
**Section 125.020. Effective Date.**  
**Section 125.030. Duties Of The City's Prosecuting Attorney.**

### **ARTICLE II** **Court Costs**

**Section 125.040. Court Costs.**

### **Section 125.050. Court Costs Assessment.**

### **ARTICLE III** **Bail Or Appearance, Court Bonds, Failure To Appear, Payment Of Fines And Costs In Lieu Of Appearance**

### **Section 125.060. Court Bonds.**

### **Section 125.070. Payment of Standard Fine and Costs in Lieu of Court Appearance.**

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### **ARTICLE I** **General Provisions**

**Section 125.010. Municipal Court – Designated.**

**[Ord. No. 856, 9-20-2018]**

The 26th Judicial Circuit Court of Morgan County, Missouri, is hereby designated as the Municipal Court of Stover, Missouri.

**Section 125.020. Effective Date.**

**[Ord. No. 856, 9-20-2018]**

Stover shall transfer all of its records concerning the Stover Municipal Court in a timely manner, and the court shall be established in Versailles, Missouri, at the Morgan County Circuit Courthouse, effective January 14, 2019.

**Section 125.030. Duties Of The City's Prosecuting Attorney.**

**[Ord. No. 856, 9-20-2018]**

It shall be the duty of an attorney designated by the City to prosecute the violations of the City's ordinances before the 26th Circuit Court Judge of Morgan County, Missouri, hearing violations of the City's ordinances. The salary or fees of the attorney and his/her necessary expenses incurred in such prosecutions shall be paid by the City. The compensation of such shall not be contingent upon the number of cases tried, the number of guilty verdicts reached, or the amount of fines imposed or collected.

## ARTICLE II

**Court Costs****Section 125.040. Court Costs.****[Ord. No. 856, 9-20-2018]**

A. In addition to any fine that may be imposed by the Judge, there shall be assessed as costs in all cases where the Defendant pleads guilty or is found guilty the following:

- |  |         |            |
|--|---------|------------|
| 1. Clerk Fee   | \$15.00 | § 479.260  |
| 2. Statewide Court Automation                            | \$7.00  | § 476.053  |
| 3. Law Enforcement Training Fund                         | \$2.00  | § 488.5336 |
| 4. Peace Officers Standards and Training Commission Fund | \$1.00  | § 488.5336 |

These monies shall be sent to the Missouri Treasurer to be expended for Law Enforcement Training pursuant to Section 590.178 of the Missouri Revised Statutes.

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|---------------------------------|--------|-----------|
| 5. Victims of Domestic Violence | \$2.00 | § 488.607 |
|---------------------------------|--------|-----------|

These monies shall be collected for the purpose of providing operating expenses for shelters of domestic violence established pursuant to Missouri Revised Statutes Sections 455.200 through 455.230. The Judge may waive assessment of this cost in cases where the defendant is found by the Judge to be indigent and unable to pay the costs.

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|-------------------------|--------|------------|
| 6. Inmate Security Fund | \$2.00 | § 488.5026 |
|-------------------------|--------|------------|

These monies shall be credited to the Inmate Security Fund.

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|-------------------------------------|--------|-----------|
| 7. Crime Victim's Compensation Fund | \$7.50 | § 595.045 |
|-------------------------------------|--------|-----------|

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|--|--|--|
| 8. Costs for issuance of a warrant, commitment, summons, subpoena, continuance or other process or proceeding as provided before the Associate Circuit Judge in criminal cases in the 26th Judicial Circuit. |  |  |
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| 9. Apprehension and confinement costs shall be the actual costs assessed against the City by the County Sheriff. |  |  |
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| 10. Actual expense incurred in any other confinement facility. |  |  |
|--|--|--|

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|---|--|--|
| 11. Mileage in the same amount as authorized for the Sheriff for each mile or fraction thereof an officer must travel (round-trip) in order to serve any warrant, commitment or order of the Court. |  |  |
|---|--|--|

- |                                       |        |          |
|---------------------------------------|--------|----------|
| 12. Sheriff Retirement Fund Surcharge | \$3.00 | § 57.955 |
|---------------------------------------|--------|----------|

The City shall have an agreement with the State of Missouri to collect these funds and direct them to the Missouri Sheriff's Retirement Fund.

B. A trial de novo application shall be \$30.00 (§ 488.020).

**Section 125.050. Court Costs Assessment.****[Ord. No. 856, 9-20-2018]**

The costs of any action may be assessed against the prosecuting witness and a judgment entered against the witness ordering the witness to pay the same and that the witness be committed until the costs are paid in any case where the municipal Judge finds that the prosecution commenced vexatiously or without probable cause or, in such case when the prosecuting witness fails to appear without good cause or upon appearing, refuses to testify on other constitutional grounds.

**ARTICLE III****Bail Or Appearance, Court Bonds, Failure To Appear, Payment Of Fines And Costs In Lieu Of Appearance****Section 125.060. Court Bonds.****[Ord. No. 856, 9-20-2018]**

- A. Any person arrested for violation, failure, neglect or refusal to comply with any provision, regulation or requirement of any ordinance may be admitted to bail by: executing a bail bond to the County with good and sufficient security to be approved by the Judge, or in his/her absence or inaccessibility, by the Clerk of the Court, in the amount of not less than two dollars (\$2.00) and not more than five hundred dollars (\$500.00), conditioned that such person shall appear upon the day named therein (no later than thirty (30) days from the date of the bond), before the Court and await the trial upon the charge against him/her.
- B. Every bail bond shall be filed forthwith with the Clerk of the Court by the officer taking the bond, provided that no attorney, Police Officer or any officer of the City, whether elected or appointed, shall be listed as a surety upon any bail provided for in this Section.
- C. In lieu of sureties on the bond, the Judge or in his/her absence or inaccessibility, the Clerk of the Court or in her/her absence or inaccessibility, may permit the posting of a cash bond, and the Chief of Police or the Assistant Chief of Police or any officer in charge of the Police Department, shall state on the bail bond the receipt of the cash deposit.
- D. The City shall in no manner be responsible to any depositor of a cash bail bond. However, the person receiving the cash deposit shall be prosecuted by the City Attorney or other proper officer for failure to account for and pay over the deposit.

**Section 125.070. Payment of Standard Fine and Costs in Lieu of Court Appearance.****[Ord. No. 856, 9-20-2018]**

Except for those cases as designated by the Municipal Court that require the appearing in Court by the defendant or for any other offense that the officer who has written the citation indicates that the defendant must appear in Court, a defendant charged with a municipal ordinance violation may pay the standard fine and costs, as approved by the Judge, in lieu of

a Court appearance, provided that the payment is made to the Court Clerk prior to the scheduled Court date.

## **Chapter 130**

### **TAXATION AND FINANCE**

#### **ARTICLE I Fiscal Year**

**Section 130.010. Fiscal Year Established.**

#### **ARTICLE II Budget**

**Section 130.020. Budget Required —  
Contents —  
Expenditures Not to  
Exceed Revenues.**

**Section 130.030. Budget Officer.**

**Section 130.040. Board of Aldermen May  
Revise Budget, Limits —  
Approval.**

**Section 130.050. Increase of Expenditure  
Over Budgeted Amount  
to Be Made Only on  
Formal Resolution.**

#### **ARTICLE III Levy of Taxes**

**Section 130.060. Board to Provide for  
Levy and Collection of  
Taxes — Fix Penalties.**

**Section 130.070. Fixing Ad Valorem  
Property Tax Rates,  
Procedure.**

**Section 130.080. Board to Fix Rate of  
Levy.**

**Section 130.090. Assessment — Method  
of.**

**Section 130.100. Clerk to Prepare Tax  
Books.**

**Section 130.110. Taxes Delinquent —  
When.**

**Section 130.120. Delinquent Taxes and  
Issuance of Licenses.**

#### **ARTICLE IV City Sales Tax**

**Section 130.130. Imposition of City Sales  
Tax.**

**Section 130.140. Transportation Tax.**

#### **ARTICLE V Identity Theft Prevention Program**

**Section 130.150. Program Adoption.**

**Section 130.160. Program Purpose and  
Definitions.**

**Section 130.170. Identification of Red  
Flags.**

**Section 130.180. Detecting Red Flags.**

**Section 130.190. Preventing and  
Mitigating Identity  
Theft.**

**Section 130.200. Program Updates.**

**Section 130.210. Program Administration.**

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#### **ARTICLE I Fiscal Year**

**Section 130.010. Fiscal Year Established.**

The fiscal year for the City of Stover shall begin July first (1st) of each year.

**ARTICLE II**  
**Budget**

**Section 130.020. Budget Required — Contents — Expenditures Not to Exceed Revenues.**

- A. Prior to the commencement of each fiscal year, a budget for the City shall be prepared and the same will be presented to and approved by the Board of Aldermen.
- B. The annual budget shall present a complete financial plan for the ensuing fiscal year and shall include at least the following information:
  - 1. A budget message describing the important features of the budget and major changes from the preceding year;
  - 2. Estimated revenues to be received from all sources for the budget year, with a comparative statement of actual or estimated revenues for the two (2) years next preceding, itemized by year, fund and source;
  - 3. Proposed expenditures for each department, office, commission, and other classification for the budget year, together with a comparative statement of actual or estimated expenditures for the two (2) years next preceding, itemized by year, fund, activity and object;
  - 4. The amount required for the payment of interest, amortization and redemption charges on the debt of the City; and
  - 5. A general budget summary.
- C. In no event shall the total proposed expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year; provided, that nothing herein shall be construed as requiring the City to use any cash balance as current revenue or to change from a cash basis of financing its expenditures.

**Section 130.030. Budget Officer.**

- A. The budget shall be prepared under the direction of a Budget Officer. Except as otherwise provided by law or ordinance, the Budget Officer shall be designated by the Board of Aldermen of the City. All officers and employees shall cooperate with and provide to the Budget Officer such information and such records as he/she shall require in developing the budget. The Budget Officer shall review all the expenditure requests and revenue estimates, after which he/she shall prepare the proposed budget as defined herein.
- B. After the Budget Officer has prepared the proposed budget, he/she shall submit it, along with such supporting schedules, exhibits, and other explanatory material as may be necessary for the proper understanding of the financial needs and position of the City, to the Board of Aldermen. He/she shall submit at the same time complete drafts of such orders, motions, resolutions or ordinances as may be required to authorize the proposed expenditures and produce the revenues necessary to balance the proposed budget.

**Section 130.040. Board of Aldermen May Revise Budget, Limits — Approval.**

The Board of Aldermen may revise, alter, increase or decrease the items contained in the proposed budget, subject to such limitations as may be provided by law; provided, that in no event shall the total authorized expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year. Except as otherwise provided by law, the Board of Aldermen shall, before the beginning of the fiscal year, approve the budget and approve or adopt such orders, motions, resolutions or ordinances as may be required to authorize the budgeted expenditures and produce the revenues estimated in the budget.

**Section 130.050. Increase of Expenditure Over Budgeted Amount to Be Made Only on Formal Resolution.**

After the City has approved the budget for any year and has approved or adopted the orders, motions, resolutions or ordinances required to authorize the expenditures proposed in the budget, the City shall not increase the total amount authorized for expenditure from any fund, unless the Board of Aldermen adopts a resolution setting forth the facts and reasons making the increase necessary and approves or adopts an order, motion, resolution or ordinance to authorize the expenditures.

ARTICLE III  
**Levy of Taxes**

**Section 130.060. Board to Provide for Levy and Collection of Taxes — Fix Penalties.**

The Board of Aldermen shall, from time to time, provide by ordinance for the levy and collection of all taxes, licenses, wharfage and other duties not herein enumerated and, for neglect or refusal to pay the same, shall fix such penalties as are now or may hereafter be authorized by law or ordinance.

**Section 130.070. Fixing Ad Valorem Property Tax Rates, Procedure.**

The Board of Aldermen shall hold at least one (1) public hearing on the proposed rates of taxes at which citizens may be heard prior to their approval. The Board of Aldermen shall determine the time and place for such hearing. A notice stating the hour, date and place of the hearing shall be published in at least one (1) newspaper qualified under the laws of the State of Missouri of general circulation in the County within which all or the largest portion of the City is situated, or such notice shall be posted in at least three (3) public places within the City; except that, in any County of the First Class having a Charter form of government, such notice may be published in a newspaper of general circulation within the City even though such newspaper is not qualified under the laws of Missouri for other legal notices. Such notice shall be published or posted at least seven (7) days prior to the date of the hearing. The notice shall include the assessed valuation by category of real, personal and other tangible property in the City for the fiscal year for which the tax is to be levied as provided by Subsection (3) of Section 137.245, RSMo., the assessed valuation by category of real, personal and other tangible property in the City for the preceding taxable year, for each rate to be levied the

amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by Chapter 67, RSMo., and the tax rates proposed to be set for the various purposes of taxation. The tax rates shall be calculated to produce substantially the same revenues as required in the annual budget adopted as provided in this Chapter. Following the hearing the Board of Aldermen shall fix the rates of taxes, the same to be entered in the tax book. Failure of any taxpayer to appear at such hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this Section absolves the City of responsibilities under Section 137.073, RSMo., nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax rate calculations.

**Section 130.080. 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, ascertain the amount of money to be raised thereon for general and other purposes and fix the annual rate of levy therefor by ordinance.

**Section 130.090. Assessment — Method of.**

In the absence of a City Assessor, and until such City Assessor is duly appointed and qualified, it shall be the duty of the Mayor of the City to procure from the County Clerk of Morgan County, Missouri, on or before the first (1st) day of October of each year a certified abstract from his/her assessment books of all property within the corporate limits of the City made taxable by law for State purposes and the assessed valuation thereof as agreed upon by the Board of Equalization, which abstract shall be immediately transmitted to the Board of Aldermen, and it shall be the duty of the Board of Aldermen to establish by ordinance the rate of taxes for the year.

**Section 130.100. Clerk to Prepare Tax Books.**

When the Board of Aldermen shall have fixed the rate of taxation for any given year, it shall be the duty of the City Clerk to cause to be prepared 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 City Collector with the full amount of taxes levied and to be collected.

**Section 130.110. Taxes Delinquent — When.**

On the first (1st) day of January of each year, all unpaid City taxes shall become delinquent and the taxes on real estate are hereby made a lien thereon; and all such delinquent taxes shall bear interest thereon at the rate of two percent (2%) per month from the time they become delinquent, not to exceed eighteen percent (18%) per year, until paid and shall also be subject to the same fees, penalties, commissions and charges as provided by law of the State of Missouri for delinquent State and County taxes and shall be collected from the property owners, and the enforcement of all taxes, penalties, fees, commissions and charges authorized

by law and provided for herein to be paid by property owners shall be made in the same manner and under the same rules and regulations as are or may be provided by law for the collection and enforcement of the payment of State and County taxes, including fees, penalties, commissions and other charges.

**Section 130.120. Delinquent Taxes and Issuance of Licenses.**

**[Ord. No. 210 §§1 — 4, 5-5-1958]**

- A. No license or permit provided for or required under any of the ordinances of the City of Stover shall hereafter be issued by any department of the City to any person, firm, association or corporation until the 1957 and all prior years of personal tax and merchants tax of the applicant for such license or permit have first been paid and receipt exhibited at time of application.
- B. As to future years, no license or permit shall be issued to such applicant until the City personal and merchant tax shall be paid for the future years, next preceding the year for which such license is issued, shall have been paid and the tax receipt exhibited at time of application.
- C. This license or permit shall include merchants or manufacturer license, retail or wholesale, motor vehicle tags, but not to include dog licenses, bicycle licenses.
- D. This Section only applies to residents of the City and does not alter or amend any ordinance requiring license or permits; but this Section is in addition to and the penalties for failing to procure the necessary City license or permit requires City to invoke the usual penalties provided by ordinance.

ARTICLE IV  
**City Sales Tax<sup>1</sup>**

**Section 130.130. Imposition of City Sales Tax.**

**[Ord. No. 363 §1, 6-16-1980; Ord. No. 366 §1, 8-11-1980]**

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

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1. Editor's Note: As to gross receipts tax, Ch. 615.

**Section 130.140. Transportation Tax.****[Ord. No. 554 §1, 12-10-1990]**

Pursuant to the authority granted by and subject to the provisions of Sections 94.700 to 94.755, RSMo., a tax for transportation purposes as defined in Section 94.700, RSMo., is hereby imposed upon all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable services at retail to the extent and in the manner provided in Sections 144.010 to 144.510, RSMo., and the rules and regulations of the Director of Revenue issued pursuant thereto. The rate of the tax shall be one-half of one percent (.5%) on the receipts from the sale at retail of all tangible personal property or taxable services at retail within Stover, Missouri, if such property and taxable services are subject to taxation by the State of Missouri under the provisions of Sections 144.010 to 144.510, RSMo. The tax shall become effective as provided in Section 94.705, RSMo., and shall be collected pursuant to the provisions of Sections 94.700 to 94.755, RSMo.

**ARTICLE V****Identity Theft Prevention Program****Section 130.150. Program Adoption.****[Ord. No. 765 §1, 10-27-2008]**

The City of Stover Water and Sewer Department ("Utility") developed this Identity Theft Prevention Program ("program") pursuant to the Federal Trade Commission's Red Flags Rule ("Rule") which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003 16 C.F.R. Section 681.2. This program was developed with oversight and approval of the Board of Aldermen (defined below). After consideration of the size and complexity of the Utility's operations and account systems and the nature and scope of the Utility's activities, the Board of Aldermen determined that this program was appropriate for the City of Stover Water and Sewer Department and therefore approved this program on October 20, 2008.

**Section 130.160. Program Purpose and Definitions.****[Ord. No. 765 §1, 10-27-2008]**

- A. *Fulfilling Requirements Of The Red Flags Rule.* Under the Red Flag Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:
1. Identify relevant red flags for new and existing covered accounts and incorporate those red flags into the program;
  2. Detect red flags that have been incorporated into the program;
  3. Respond appropriately to any red flags that are detected to prevent and mitigate identity theft; and

4. Ensure the program is updated periodically to reflect changes in risks to customers or to the safety and soundness of the creditor from identity theft.
- B. *Red Flags Rule Definitions Used In This Program.* The Red Flags Rule defines "*identity theft*" as "fraud committed using the identifying information of another person" and a "*red flag*" as a pattern, practice or specific activity that indicates the possible existence of identity theft.

According to the Rule, a "*municipal utility*" is a creditor subject to the Rule requirements. The Rule defines creditors "to include finance companies, automobile dealers, mortgage brokers, utility companies and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors".

All the Utility's accounts that are individual utility service accounts held by customers of the utility whether residential, commercial or industrial are covered by the Rule. Under the Rule, a "*covered account*" is:

1. Any account the Utility offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
2. Any other account the Utility offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Utility from identity theft.

"*Identifying information*" is defined under the Rule as "any name or number that may be used, alone or in conjunction with any other information, to identify a specific person", including: name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol address or routing code.

#### **Section 130.170. Identification of Red Flags.**

**[Ord. No. 765 §1, 10-27-2008]**

- A. In order to identify relevant red flags, the Utility considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts and its previous experiences with identity theft. The Utility identifies the following red flags, in each of the listed categories:
1. *Notifications and warnings from credit reporting agencies — Red flags.*
    - a. Report of fraud accompanying a credit report;
    - b. Notice or report from a credit agency of a credit freeze on a customer or applicant;

- c. Notice or report from a credit agency of an active duty alert for an applicant; and
- d. Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

2. *Suspicious documents — Red flags.*

- a. Identification document or card that appears to be forged, altered or unauthentic;
- b. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
- c. Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
- d. Application for service that appears to have been altered or forged.

3. *Suspicious personal identifying information — red flags.*

- a. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
- b. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
- c. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
- d. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
- e. Social security number presented that is the same as one given by another customer;
- f. An address or phone number presented that is the same as that of another person;
- g. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
- h. A person's identifying information is not consistent with the information that is on file for the customer.

4. *Suspicious account activity or unusual use of account — red flags.*

- a. Change of address for an account followed by a request to change the account holder's name;

- b. Payments stop on an otherwise consistently up-to-date account;
  - c. Account used in a way that is not consistent with prior use (example: very high activity);
  - d. Mail sent to the account holder is repeatedly returned as undeliverable;
  - e. Notice to the Utility that a customer is not receiving mail sent by the Utility;
  - f. Notice to the Utility that an account has unauthorized activity;
  - g. Breach in the Utility's computer system security; and
  - h. Unauthorized access to or use of customer account information.
5. *Alerts from others — red flag.*
- a. Notice to the Utility from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in identity theft.

### **Section 130.180. Detecting Red Flags.**

#### **[Ord. No. 765 §1, 10-27-2008]**

- A. *New Accounts.* In order to detect any of the red flags identified above associated with the opening of a new account, Utility personnel will take the following steps to obtain and verify the identity of the person opening the account:

#### *Detect.*

- 1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
- 2. Verify the customer's identity (for instance, review a driver's license or other identification card);
- 3. Review documentation showing the existence of a business entity; and
- 4. Independently contact the customer.

- B. *Existing Accounts.* In order to detect any of the red flags identified above for an existing account, Utility personnel will take the following steps to monitor transactions with an account:

#### *Detect.*

- 1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via e-mail);
- 2. Verify the validity of requests to change billing addresses; and

3. Verify changes in banking information given for billing and payment purposes.

### **Section 130.190. Preventing and Mitigating Identity Theft.**

**[Ord. No. 765 §1, 10-27-2008]**

- A. In the event Utility personnel detect any identified red flags, such personnel shall take one (1) or more of the following steps, depending on the degree of risk posed by the red flag:
  1. *Prevent and mitigate.*
    - a. Continue to monitor an account for evidence of identity theft;
    - b. Contact the customer;
    - c. Change any passwords or other security devices that permit access to accounts;
    - d. Not open a new account;
    - e. Close an existing account;
    - f. Reopen an account with a new number;
    - g. Notify the Program Administrator for determination of the appropriate step(s) to take;
    - h. Notify law enforcement; or
    - i. Determine that no response is warranted under the particular circumstances.
  2. *Protect customer identifying information.* In order to further prevent the likelihood of identity theft occurring with respect to Utility accounts, the Utility will take the following steps with respect to its internal operating procedures to protect customer identifying information:
    - a. Ensure that its website is secure or provide clear notice that the website is not secure;
    - b. Ensure complete and secure destruction of paper documents and computer files containing customer information;
    - c. Ensure that office computers are password protected and that computer screens lock after a set period of time;
    - d. Keep offices clear of papers containing customer information;
    - e. Request only the last four (4) digits of social security numbers (if any);
    - f. Ensure computer virus protection is up to date; and

- g. Require and keep only the kinds of customer information that are necessary for utility purposes.

**Section 130.200. Program Updates.****[Ord. No. 765 §1, 10-27-2008]**

This program will be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the Utility from identity theft. At least once a year, the Program Administrator will consider the Utility's experiences with identity theft situation, changes in identity theft methods, changes in identity theft detection and prevention methods, changes in types of accounts the Utility maintains and changes in the Utility's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the program, including the listing of red flags, are warranted. If warranted, the Program Administrator will update the program or present the Board of Aldermen with his or her recommended changes and the Board of Aldermen will make a determination of whether to accept, modify or reject those changes to the program.

**Section 130.210. Program Administration.****[Ord. No. 765 §1, 10-27-2008]**

- A. *Oversight.* Responsibility for developing, implementing and updating this program lies with an Identity Theft Committee for the Utility. The Committee is headed by a Program Administrator who may be the head of the Utility or his or her appointee. Two (2) or more other individuals appointed by the head of the Utility or the Program Administrator comprise the remainder of the committee membership. The Program Administrator will be responsible for the Program Administration, for ensuring appropriate training of Utility staff on the program, for reviewing any staff reports regarding the detection of red flags and the steps for preventing and mitigating identity theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the program.
- B. *Staff Training And Reports.* Utility staff responsible for implementing the program shall be trained either by or under the direction of the Program Administrator in the detection of red flags and the responsive steps to be taken when a red flag is detected. (The Utility may include in its program how often training is to occur. The program may also require staff to provide reports to the Program Administrator on incidents of identity theft, the Utility's compliance with the program and the effectiveness of the program.)
- C. *Service Provider Arrangements.* In the event the Utility engages a service provider to perform an activity in connection with one (1) or more accounts, the Utility will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent and mitigate the risk of identity theft.
  - 1. Require, by contract, that service providers have such policies and procedures in place; and

2. Require, by contract, that service providers review the Utility's program and report any red flags to the Program Administrator.
- D. *Specific Program Elements And Confidentiality.* For the effectiveness of Identity Theft Prevention Programs, the Red Flag Rule envisions a degree of confidentiality regarding the Utility's specific practices relating to identity theft detection, prevention and mitigation. Therefore, under this program, knowledge of such specific practices are to be limited to the Identity Theft Committee and those employees who need to know them for purposes of preventing identity theft. Because this program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the program's general red flag detection, implementation and prevention practices are listed in this document.

## Chapter 135

### BOARDS, COMMISSIONS AND COMMITTEES

#### ARTICLE I

##### Stover Municipal Building Corp.

#### Section 135.010. Establishment — Purpose.

#### ARTICLE II

##### Park Board

#### Section 135.020. Establishment — Duties.

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#### ARTICLE I

##### Stover Municipal Building Corp.

#### Section 135.010. Establishment — Purpose.

[Ord. No. 800 §§1 — 3, 3-19-2012]

- A. The Board of Directors are hereby authorized and directed to cause the creation of a not-for-profit corporation under the laws of the State of Missouri for a not-for-profit corporation to be named Stover Municipal Building Corp.
- B. The Board of Directors of said not-for-profit corporation shall be interlocked and be the same as the Board of Aldermen of the City of Stover, Stover, Missouri, a public body.
- C. The purpose of said not-for-profit corporation shall be for the acquisition of and for securing finances in the form of grants or loans for the purpose of acquiring and operating municipally owned or leased buildings.

#### ARTICLE II

##### Park Board

#### Section 135.020. Establishment — Duties.

[Ord. No. 803 §§1 — 6, 6-4-2012]

- A. There is hereby established a "Park Board" for the City of Stover to assist the Board of Aldermen in the maintenance and use of the Stover Municipal Park.
- B. The Park Board shall be appointed by the Board of Aldermen and shall consist of nine (9) members, each of which shall be users of the City Park, who shall reside in the City of Stover or within a twenty-mile radius thereof. Three (3) of said appointees shall hold office for an original one-year term, three (3) of said appointees shall hold office for an original two-year term, and the remaining three (3) shall hold office for an original three-year term. All re-appointments shall be for a three-year term. [Ord. No. 824, 9-16-2013]

- C. Vacancies on the Park Board occasioned by removal, resignation or otherwise shall be reported to this Board of Aldermen and be filled in like manner as original appointments, and no member shall receive compensation as such.
- D. The members of the Park Board at a lawful meeting with a quorum shall immediately after their appointment meet and organize by the election of one (1) of their number President, and by the election of such other officers as they may deem necessary. The Board of Aldermen shall have the exclusive control of the expenditures of all monies appropriated or collected to the credit of the Park Fund. The Park Board will have supervision, improvement, care and custody of said park. **[Ord. No. 824, 9-16-2013]**
- E. The Park Board shall make a report once a quarter. **[Ord. No. 824, 9-16-2013]**
- F. The Park Board established herein is not established in accordance with the provisions of Sections 90.500 to 90.570, RSMo., 2000 but is only established in accordance with the powers granted to this Board under the provisions of Section 79.390, RSMo., 2000.

## TITLE II

# PUBLIC HEALTH, SAFETY AND WELFARE



## **Chapter 200**

### **POLICE DEPARTMENT**

**Section 200.010. Chief of Police —  
Appointment —  
Qualifications.**

**Section 200.020. Size of Police Force —  
Powers.**

**Section 200.030. City May Enter Into  
Agreement.**

**Section 200.040. Police Training  
Required.**

**Section 200.050. City Residency  
Requirement.**

**Section 200.060. Required Drug Testing.**

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**Section 200.010. Chief of Police — Appointment — Qualifications.**

The Mayor with the approval of a majority of the members of the Board of Aldermen shall appoint a Chief of Police who shall perform all duties required of the Marshal by law and any other Police Officers found by the Board of Aldermen to be necessary for the good government of the City. The Chief of Police shall be twenty-one (21) years of age or older.

**Section 200.020. Size of Police Force — Powers.**

The Police of the City may be appointed in such numbers, for such times and in such manner as may be prescribed by ordinance. They shall have power to serve and execute all warrants, subpoenas, writs or other process and to make arrests in the same manner as the Chief of Police. They may exercise such powers in areas leased or owned by the municipality outside of the boundaries of such municipality. The Chief of Police and Policemen shall be conservators of the peace and shall be active and vigilant in the preservation of good order within the City.

**Section 200.030. City May Enter Into Agreement.**

The Board of Aldermen of the City may by ordinance enter into a contract or agreement with any other political subdivision for the provision of Police services by one political subdivision to another on request as provided for in Section 70.815, RSMo. The terms "*Chief of Police*", "*Police*", "*Police Officer*" and "*Police Department*", as used herein, shall refer to Law Enforcement Officers of the contracting entity.

**Section 200.040. Police Training Required.**

**[Ord. No. 435 §1, 8-12-1985; Ord. No. 594 §§1 — 2, 10-18-1993]**

- A. All newly hired Peace Officers shall be required to have no more or less than four hundred eighty (480) hours of training for certification by the Department of Public Safety.

- B. Newly hired Law Enforcement Officers shall have a one (1) year period after appointment to be certified by the Department of Public Safety.

**Section 200.050. City Residency Requirement.**

**[Ord. No. 533 §§1 — 2, 8-14-1989]**

- A. The Chief of Police of the City of Stover must be a resident of the City of Stover actually residing within the City limits of Stover.
- B. Full-time patrolmen employed by the City of Stover shall reside within the City limits of the City of Stover, provided however, that the Board of Aldermen reserves the right to waive the residence requirement for not more than one (1) City patrolman at any one (1) time.

**Section 200.060. Required Drug Testing.**

**[Ord. No. 608 §§1 — 5]**

- A. No person shall be hereafter hired as a Police Officer for the City of Stover unless, prior to hiring, he/she shall first successfully complete a chemical test for the use of controlled substances.
- B. All hired Police Officers employed by the Stover Police Department shall further submit to a random test for the use of controlled substances at least once yearly.
- C. In addition to the requirements set forth in Subsection (B), all full-time officers shall be subject to additional drug testing in the event the Chief of Police establishes probable cause to believe that said officer is abusing illegal drugs or legal drugs or shall fail to pass an alcohol test. Failure to pass such alcohol test shall be construed to be having a result sufficient to be presumed intoxicated for motor vehicle purposes.
- D. Any employed Police Officer that fails a department ordered drug test will be suspended immediately, providing however, that any such officer who fails such test shall have the right to request a drug retest within five (5) days of the original test in the event the subsequent test does not reveal the presence of drugs or alcohol, said officer may be reinstated.
- E. Any officer who fails to pass such drug or alcohol test shall be subject to immediate dismissal for the failure to satisfactorily complete said test and shall be considered adequate grounds for dismissal.

## Chapter 205

### ANIMAL REGULATIONS

**Section 205.010. Definitions.**

**Section 205.020. Animal License.**

**Section 205.030. Animal at Large.**

**Section 205.040. Dangerous Animals.**

**Section 205.050. Animal Neglect or Abandonment.**

**Section 205.060. Animal Abuse.**

**Section 205.070. Knowingly Releasing an Animal.**

**Section 205.080. Animal Waste Prohibited on Public and Private Property — Exception.**

**Section 205.090. Quarantine Order to Be Issued by Mayor — to Be Published and Posted.**

**Section 205.100. Keeper of Dangerous Wild Animals Must Register Animals — Exceptions — Penalty.**

**Section 205.110. Animal Nuisance.**

**Section 205.120. Animal Health and Safety.**

**Section 205.130. Livestock and Fowl.**

**Section 205.135. Revocation of Permits to Keep Chickens.**

**Section 205.140. Animal Limit.**

**Section 205.150. Swine and Hogs.**

**Section 205.160. City Pound.**

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Cross References — As to delinquent taxes and issuance of licenses, §130.120; as to dog kennels, §605.100.

#### **Section 205.010. Definitions.**

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

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

**OWNER or KEEPER** — Any person having a right of property in a dog or cat, or who keeps or harbors a dog or cat, or who has it in his/her care or acts as its custodian, or who knowingly permits a dog or cat to remain on or about any premises owned or occupied by him/her.

**RUNNING AT LARGE** — Allowing a dog or cat to be off the private premises of the owner or keeper, or his/her agent or servant, and not on a leash or confined to the arms, motor vehicle, trailer or other conveyance of the owner or keeper, his/her agent or servant.

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

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

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

**VICIOUS DOG** — Any of the following dogs:

1. Any dog, whether or not running at large and whether or not unrestrained, that without provocation has bitten any person not a trespasser causing serious physical injury to that person.
2. Any unrestrained dog, whether or not running at large, that without provocation has attempted to bite any person not a trespasser which would cause serious physical injury to that person.
3. Any unrestrained dog, whether or not running at large, that without provocation has placed any person not a trespasser in apprehension of immediate serious physical injury.
4. Any dog that has killed another dog, cat or other domestic animal without provocation.

**Section 205.020. Animal License.**

**[Ord. No. 390 §3, 4-12-1982; Ord. No. 684 §4, 5-17-2004]**

All dogs over the age of six (6) months, located and residing in or being kept or harbored in the City of Stover for a period of more than three (3) days, shall be licensed. All license fees shall be paid to and issued by the City Clerk by the first (1st) day of April of each year hereafter. The license fees shall be ten dollars (\$10.00) for any adult dog not spayed or neutered. Five dollars (\$5.00) for any adult dog spayed or neutered. The license tag shall be worn on the collar of the licensed dog. It shall be unlawful for any owner or keeper of any dog over the age of six (6) months to allow or permit such dog to be in any place in the City at any time without a collar or harness having attached thereto the license tag, nor shall any resident or owner or keeper of any dog permit or allow such animal to wear any tag other than the identical tag issued for such animal. No person shall remove or cause to be removed the collar, harness or tag mentioned above from any dog without the consent of the owner or keeper thereof. Prior to issuing the license, the City Clerk shall require the owner to present satisfactory proof that the animal has been properly vaccinated.

**Section 205.030. Animal at Large.**

It shall be unlawful for the owner or any person responsible for any dog to allow such animal to run at large or loose upon any of the streets or public places of the City, unless the dog is held on a leash no longer than four (4) feet by a competent person.

**Section 205.040. Dangerous Animals.**

A. Dangerous animal defined:

1. Any animal which has bitten a human being, without provocation, on public or private property other than the property of the owner. The victim receiving injuries must provide the Police Chief or investigating officer with a signed physician's statement documenting the injury and the treatment qualifying such injury, or sign an authorization for the release of such statement.
  2. Any animal which, while off or on the owner's property, has killed a domestic animal, livestock or poultry.
  3. Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting.
  4. Any animal which without provocation chases or approaches a person upon the streets, sidewalks or any public grounds, or private property other than the property of the owner, in a menacing fashion or apparent attitude of attack, regardless of whether or not a person is injured by said animal.
  5. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.
- B. It shall be unlawful to own, keep or harbor a dangerous animal in the City of Stover except in accordance with the following provisions:
1. *Leash and muzzle.* No person shall permit a dangerous animal to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a dangerous animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such animals may not be leashed to inanimate objects such as trees, posts or buildings. In addition, all dangerous animals on a leash outside its kennel or pen must be muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals.
  2. *Confinement.* All dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine dangerous animals must be locked with a key or combination lock when such animals are within the structure. Said structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be imbedded in the ground no less than two (2) feet. Also, such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
  3. *Confinement indoors.* No dangerous animal may be kept on a porch, patio or any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.

4. *Signs.* All owners, keepers or harborers of dangerous animals within the City shall display in a prominent place on their premises a sign easily readable by the public using the words "*Beware of Animal*". In addition, a similar sign is required to be posted on the kennel or pen of such animal.
- C. When an animal has been classified as dangerous by the Chief of Police, as provided for above, and the owner of such animal has failed to comply with all of the provisions of sub-section 2. above, the owner will be issued a citation and have seventy-two (72) hours to remove the animal from the City limits. If the animal is not removed within said seventy-two (72) hours, the owner will be in violation of an ordinance and upon conviction will be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) per day each animal is in violation.

**Section 205.050. Animal Neglect or Abandonment.**

- A. A person is guilty of animal neglect when he/she has custody or ownership or both of an animal and fails to provide adequate care or adequate control which results in substantial harm to the animal.
- B. A person is guilty of animal abandonment when he/she has knowingly abandoned an animal in any place without making provisions for its adequate care.
- C. Animal neglect or animal abandonment are ordinance violations. For a first (1st) offense of either violation, a term of imprisonment not to exceed fifteen (15) days, or a fine not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment may be imposed. For a second (2nd) or subsequent violation of either offense, a term of imprisonment not to exceed ninety (90) days, or a fine not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment may be imposed. All fines and penalties for a first (1st) conviction of animal neglect or animal abandonment may be waived by the court provided that the person found guilty of animal neglect or abandonment shows that adequate, permanent remedies for the neglect or abandonment have been made. Reasonable costs incurred for the care and maintenance of neglected or abandoned animals may not be waived.
- D. In addition to any other penalty imposed by this Section, the court may order a person found guilty of animal neglect or animal abandonment to pay all reasonable costs and expenses necessary for:
  1. The care and maintenance of neglected or abandoned animals within the person's custody or ownership;
  2. The disposal of any dead or diseased animals within the person's custody or ownership;
  3. The reduction of resulting organic debris affecting the immediate area of the neglect or abandonment; and
  4. The avoidance or minimization of any public health risks created by the neglect or abandonment of the animals.

**Section 205.060. Animal Abuse.** <sup>1</sup>

- 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 578.005 to 578.023 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.

**Section 205.070. Knowingly Releasing an Animal.**

- A. A person commits the offense of knowingly releasing an animal if that person, acting without the consent of the owner or custodian of an animal, intentionally releases any animal that is lawfully confined for the purpose of companionship or protection of persons or property or for recreation, exhibition or educational purposes.
- B. As used in this Section, "*animal*" means every living creature, domesticated or wild, but not including *Homo sapiens*.
- C. The provisions of this Section shall not apply to a public servant acting in the course of such servant's official duties.

**Section 205.080. Animal Waste Prohibited on Public and Private Property — Exception.**

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

**Section 205.090. Quarantine Order to Be Issued by Mayor — to Be Published and Posted.**

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

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1. Note — Under certain circumstances this offense can be a felony under state law.

**Section 205.100. Keeper of Dangerous Wild Animals Must Register Animals — Exceptions — Penalty.**

No person may keep any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, wolf, bear, non-human primate, coyote, any deadly dangerous or poisonous reptile, or any deadly or dangerous reptile over eight (8) feet long, in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge, unless such person has registered such animals with the local law enforcement agency in the County in which the animal is kept.

**Section 205.110. Animal Nuisance.**

**[Ord. No. 390 §5, 4-12-1982; Ord. No. 684 §3, 5-17-2004]**

No person shall own, keep or harbor any dog which, by loud, continual or frequent barking, howling or yelping, shall annoy or disturb any neighborhood or any person or which habitually barks at or chases pedestrians or vehicles, whatsoever, to the annoyance of such pedestrian or drivers of such vehicles. Provided however, that this Section shall not apply to the City pound.

**Section 205.120. Animal Health and Safety.**

**[Ord. No. 684 §1, 5-17-2004]**

All structures, pens, coops or yards wherein animals are kept or permitted to be shall be maintained in a clean and sanitary condition at all times. The enclosed areas of all such structures shall be suitable to the species, size, age and condition of the animal and constructed in such a way as to provide proper ventilation, be dry at all times on the inside and to provide adequate protection to the animals from harmful elements. No person shall own, keep, harbor or permit to be or remain on or about his/her premises any dog which, if over six (6) months of age, has not been vaccinated by a licensed veterinarian with a vaccine approved for rabies.

**Section 205.130. Livestock and Fowl.**

**[Ord. No. 641 §§1 — 2, 5-24-2001; Ord. No. 684 §8, 5-17-2004; Ord. No. 841 §1, 11-21-2016]**

- A. The keeping of up to five (5) chickens in total shall be permitted as provided in this Section only in single-family residences and only if a permit has been issued by the City Clerk or his or her designee. A permit to keep not more than five (5) chickens shall be issued by the City Clerk or his or her designee if all of the following conditions are satisfied:
  - 1. The chickens must be adequately confined within a coop or pen surrounded by wire netting or other fence to prevent their escape therefrom and kept in good repair and free of peeling paint, untreated or rotted wood and rust;

2. The pen shall be maintained in a ventilated, safe and sanitary condition, which has adequate space for humane treatment and free from predators;
3. Any manure or other waste from the chickens shall be collected and properly removed from the premises or tilled into the soil on the premises promptly and regularly to prevent the spreading of offensive smells or diseases;
4. No roosters;
5. No slaughtering of any chickens shall be allowed within the City limits;
6. No person shall keep chickens in any manner so as to create a nuisance as defined in our ordinances;
7. Eggs may not be sold on the premises;
8. Chicken coops or pens must be set back at least twenty (20) feet from any boundary or property line, or at least twenty-five (25%) of the width of the property;
9. Chicken coops or pens must be at least forty (40) feet from any part of a residential dwelling or place of business on adjoining properties;
10. Chicken coops or pens may only be kept in a rear yard;
11. Fighting or aggressive birds may not be kept;
12. Chicken breeding or fertilizer production for commercial purposes shall not be allowed;
13. The keeping of chickens pursuant to a permit issued under this Section shall also comply with all ordinances of the City;
14. Nothing in this Section shall be deemed to preclude the enforcement of any violation of any City ordinances committed in connection with the keeping of chickens, notwithstanding the issuance of such permit;
15. By applying for a permit under this Section the property owner authorizes City officials at all reasonable times and in a reasonable manner to enter upon and inspect the property with respect to which such permit is applied for to determine whether the keeping of chickens violates this Section or any other applicable ordinances;
16. The annual fee for a permit shall be (NONE) to help defray costs of enforcement and inspection, payable on issuance of the permit and on January 1 of each year;
17. The City Clerk shall ensure that the permit owner acknowledges in writing that the owner has been advised by the City:
  - a. That the ordinance allowing chickens may be amended or repealed at any time and that the owner acquires no vested rights to have or raise chickens by virtue of the issuance of the permit; and

- b. That the keeping and handling of chickens may cause health hazards and that adequate health precautions are the responsibility of the owner.

**Section 205.135. Revocation of Permits to Keep Chickens.**

**[Ord. No. 841 §1, 11-21-2016]**

- A. The City Clerk or his or her designee shall revoke any permit issued for the keeping of chickens for violation of any of the conditions stated in this Chapter or if any of the following conditions are found to exist:

1. Excessive noise created by the chickens is audible from adjacent property.
2. The chickens are not kept in safe and sanitary conditions.
3. The chickens are not properly confined.
4. The keeping of the chickens creates a nuisance.

- B. *Actions To Be Taken:*

1. If a complaint is filed regarding a violation of any of the conditions stated in this Chapter, or in the absence of a complaint, in the discretion of the City Clerk or his or her designee, an investigation of any potential violations shall be made by the City Clerk or his or her designee. If the investigation substantiates the existence of a violation of such conditions, a letter shall be sent by regular mail to the property owner notifying the property owner of such violation and that same shall be corrected within not less than five (5) days and that such property owner shall be responsible for notifying the City Clerk or his or her designee by certified mail, or other reasonable methods approved by the City Clerk, that such violations have been corrected and seeking a re inspection to verify that such violations have been corrected. In the event the property owner shall fail to notify the City Clerk or his or her designee of such correction within five (5) days or in the event that a re-inspection does not verify such correction, the permit shall be revoked.

- C. Permit revocations under this Section may be appealed as follows:

1. Appeals must be filed within five (5) days after the revocation notice is mailed by regular mail or other methods as designated by the City Clerk.
  - a. Appeals shall be determined following a hearing before the Board of Aldermen.
  - b. At least five (5) business days' notice of the hearing shall be given to the property owner by regular mail.
  - c. The property owner and any other interested party may appear at the hearing and testify and present evidence concerning the conditions giving rise to the revocation.

- D. The permittee shall provide the City with an electronic mail or messaging address, if available, and the City may also send any notices to such address, but the responsibility to receive such message shall be on the permittee.

**Section 205.140. Animal Limit.**

**[Ord. No. 684 §7, 5-17-2004]**

No person shall at any time keep, harbor or own, at one (1) location within the City of Stover, more than a total of three (3) adult dogs, except in cases where a properly authorized kennel/business license has been obtained from City Hall. All dogs must be licensed. Puppies have to be removed from the premises upon turning eight (8) weeks old. A resident can keep any breed of dog until it is deemed vicious.

**Section 205.150. Swine and Hogs.**

**[Ord. No. 524 §§1 — 3, 3-13-1989]**

- A. It is hereby found that the keeping of hogs within a "pigpen" at locations near dwellings in the City of Stover constitutes a nuisance and therefore it is hereby declared unlawful for any person to keep any hog or swine within the limits of the City.
- B. For the purpose of this Section, a "hog" or "swine" is defined to be any swine.

**Section 205.160. City Pound.**

**[Ord. No. 684 §10, 5-17-2004]**

The City of Stover may establish a City pound for the reception and humane care of sick, injured, diseased or impounded animals and establish rules and regulations therefore. The City may also use other facilities, as approved by the Board of Aldermen, under terms of a contract or agreement to be approved by both parties.



## **Chapter 210**

### **OFFENSES**

#### **ARTICLE I General Provisions**

- Section 210.010. Definitions.**
- Section 210.020. Attempt.**
- Section 210.030. Conspiracy.**
- Section 210.040. through Section 210.110. (Reserved)**

#### **ARTICLE II Offenses Against the Person**

- Section 210.120. Assault.**
- Section 210.130. Domestic Assault.**
- Section 210.140. (Reserved)**
- Section 210.150. Harassment.**
- Section 210.160. Stalking — Definitions.**
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- Section 210.180. Endangering the Welfare of a Child.**
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- Section 210.200. through Section 210.290. (Reserved)**

#### **ARTICLE III Offenses Concerning Administration of Justice**

- Section 210.300. Concealing an Offense.**
- Section 210.310. Hindering Prosecution.**
- Section 210.320. Refusal To Identify as a Witness.**
- Section 210.330. Disturbing a Judicial Proceeding.**
- Section 210.340. Tampering With a Witness or Victim.**

- Section 210.350. Tampering With Physical Evidence.**
- Section 210.360. Improper Communication.**
- Section 210.370. False Impersonation.**
- Section 210.380. False Reports.**
- Section 210.390. Resisting or Interfering With Arrest, Detention or Stop.**
- Section 210.400. Escape or Attempted Escape From Custody.**
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- Section 210.420. through Section 210.510. (Reserved)**

#### **ARTICLE IV Offenses Concerning Public Safety**

- Section 210.520. Abandonment of Airtight or Semi-Airtight Containers.**
- Section 210.530. Littering.**
- Section 210.540. Littering Via Carcasses.**
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- Section 210.660. Definitions.**

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Section 210.670. Peace Disturbance.  
Section 210.680. Private Peace Disturbance.  
Section 210.690. Unlawful Assembly.  
Section 210.700. Rioting.  
Section 210.710. Refusal To Disperse.  
Section 210.720. Obstructing Public Places.  
Section 210.730. Disrupting a House of Worship.  
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Section 210.750. through Section 210.820. (Reserved)

### ARTICLE VI Offenses Concerning Weapons and Firearms

Section 210.830. Definitions.  
Section 210.840. Weapons — Carrying Concealed — Other Unlawful Use.  
Section 210.850. Possession, Manufacture, Transport, Repair, Sale of Certain Weapons.  
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### ARTICLE VII Offenses Concerning Property

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**Section 210.1150. Fraudulent Use of a Credit or Debit Device.**

**Section 210.1160. Deceptive Business Practice.**

**Section 210.1170. Alteration or Removal of Item Numbers With Intent To Deprive Lawful Owner.**

**Section 210.1180. Stealing Leased or Rented Personal Property — Enforcement Procedure — Penalty — Venue.**

**Section 210.1190. Passing Bad Checks.**

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**Section 210.1220. Metal Beer Keg, Prohibition on Purchase or Possession by Scrap Metal Dealer — Violation, Penalty.**

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Section 210.1840. Inhalation or Inducing  
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<b>Section 210.2120.</b>	<b>Minors Prohibited From Purchase or Possession of Tobacco Products, Alternative Nicotine Products or Vapor Products — Misrepresentation of Age.</b>	<b>Section 210.2150. Restrictions on Sales of Individual Packs of Cigarettes.</b>
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<b>Section 210.2140.</b>	<b>Required Sign Stating Violation of State Law To Sell Tobacco Products, Alternative Nicotine Products or Vapor Products to Minors Under Age</b>	<b>Section 210.2210. Park Regulations.</b>
		<b>Section 210.2220. Prohibitions Upon Asphalt Walking Trail.</b>

**[HISTORY: Adopted by the Board of Aldermen of the City of Stover 11-21-2016 by Ord. No. 842. Amendments noted where applicable.]**

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## ARTICLE I

### General Provisions

#### **Section 210.010. Definitions.**

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

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

#### **AFFIRMATIVE DEFENSE —**

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

#### **BURDEN OF INJECTING THE ISSUE —**

1. The issue referred to is not submitted to the trier of fact unless supported by evidence; and

2. If the issue is submitted to the trier of fact any reasonable doubt on the issue requires a finding for the defendant on that issue.

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

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

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

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

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

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

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

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

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

**CONFINEMENT** —

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**FELONY** — An offense so designated or an offense for which persons found guilty thereof may be sentenced to death or imprisonment for a term of more than one (1) year.

**FORCIBLE COMPULSION** — Either:

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

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

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

**INHABITABLE STRUCTURE** —

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

**KNOWINGLY** —

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

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

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

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

**OFFENSE** — Any felony, ordinance violation, misdemeanor or infraction.

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

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

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

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

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

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

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

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

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

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

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

**SPECIAL VICTIM** — Any of the following:

1. A Law Enforcement Officer assaulted in the performance of his or her official duties or as a direct result of such official duties;
2. Emergency personnel, any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician, assaulted in the performance of his or her official duties or as a direct result of such official duties;
3. A probation and parole officer assaulted in the performance of his/her official duties or as a direct result of such official duties;
4. An elderly person;
5. A person with a disability;
6. A vulnerable person;
7. Any jailer or corrections officer of the State or one (1) of its political subdivisions assaulted in the performance of his/her official duties or as a direct result of such official duties;
8. A highway worker in a construction or work zone as the terms "highway worker," "construction zone" and "work zone" are defined under Section 304.580, RSMo.;
9. Any utility worker, meaning any employee of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned, while in the performance of his/her job duties, including any person employed under a contract;
10. Any cable worker, meaning any employee of a cable operator, as such term is defined in Section 67.2677, RSMo., including any person employed under contract, while in the performance of his/her job duties; and
11. Any employee of a mass transit system, including any employee of public bus or light rail companies, while in the performance of his/her job duties.

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

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

capable of being used as a means of transportation on water, but not any boat or craft having, as the only means of propulsion, a paddle or oars.

**VOLUNTARY ACT —**

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

**VULNERABLE PERSON —** Any person in the custody, care, or control of the Department of Mental Health who is receiving services from an operated, funded, licensed, or certified program.

**Section 210.020. Attempt.**

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

**Section 210.030. Conspiracy. <sup>1</sup>**

- A. Guilt for an offense may be based upon a conspiracy to commit an offense when a person, with the purpose of promoting or facilitating the commission of an offense, agrees with another person or persons that they or one or more of them will engage in conduct which constitutes such offense.
- B. It is no defense to a prosecution for conspiring to commit an offense that a person, who knows that a person with whom he or she conspires to commit an offense has conspired with another person or persons to commit the same offense, does not know the identity of such other person or persons.
- C. If a person conspires to commit a number of offenses, he or she can be found guilty of only one offense so long as such multiple offenses are the object of the same agreement.

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1. Note: Under certain circumstances this offense can be a felony under state law.

- D. No person may be convicted of an offense based upon a conspiracy to commit an offense unless an overt act in pursuance of such conspiracy is alleged and proved to have been done by him or her or by a person with whom he or she conspired.
- E. *Exceptions.*
1. No person shall be convicted of an offense based upon a conspiracy to commit an offense if, after conspiring to commit the offense, he/she prevented the accomplishment of the objectives of the conspiracy under circumstances manifesting a renunciation of his/her criminal purpose.
  2. The defendant shall have the burden of injecting the issue of renunciation of criminal purpose under Subsection (E)(1).
- F. For the purpose of time limitations on prosecutions:
1. A conspiracy to commit an offense is a continuing course of conduct which terminates when the offense or offenses which are its object are committed or the agreement that they be committed is abandoned by the defendant and by those with whom he or she conspired;
  2. If an individual abandons the agreement, the conspiracy is terminated as to him/her only if he/she advises those with whom he/she has conspired of his/her abandonment or he/she informs the law enforcement authorities of the existence of the conspiracy and of his/her participation in it.
- G. A person shall not be charged, convicted or sentenced on the basis of the same course of conduct of both the actual commission of an offense and a conspiracy to commit that offense.

**Section 210.040. through Section 210.110. (Reserved)**

ARTICLE II  
**Offenses Against the Person**

**Section 210.120. Assault. <sup>2</sup>**

- A. A person commits the offense of assault if:
1. The person attempts to cause or recklessly causes physical injury, physical pain or illness to another person;
  2. With criminal negligence the person causes physical injury to another person by means of a firearm;
  3. The person purposely places another person in apprehension of immediate physical injury;

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2. Editor's Note: As to assault of certain other persons, see the definition of "special victim" as set out in Section 210.010 of this Chapter.

4. The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person;
5. The person knowingly causes or attempts to cause physical contact with a person with a disability, which a reasonable person, who does not have a disability, would consider offensive or provocative; or
6. The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative.

**Section 210.130. Domestic Assault.** <sup>3</sup>

- A. A person commits the offense of domestic assault if the act involves a domestic victim, as the term "domestic victim" is defined under Section 565.002, RSMo., and:
1. The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim;
  2. With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument;
  3. The person purposely places such domestic victim in apprehension of immediate physical injury by any means;
  4. The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim;
  5. The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or
  6. The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.

**Section 210.140. (Reserved)** <sup>4</sup>**Section 210.150. Harassment.**

A person commits the offense of harassment if he/she, without good cause, engages in any act with the purpose to cause emotional distress to another person.

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3. Note: Under certain circumstances this offense can be a felony under state law.

4. Editor's Note: This Section previously pertained to assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer. However, the authorizing statute, former RSMo. §565.083, was repealed without replacement by SB 491 in the 2014 Legislative Session, effective 1-1-2017. See Section 210.120, Assault, as it relates to a "special victim."

**Section 210.160. Stalking — Definitions.** <sup>5</sup>**A. Definitions.** As used in this Section:

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

- B.** A person commits the offense of stalking if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person.
- C.** This Section shall not apply to activities of Federal, State, County, or Municipal Law Enforcement Officers conducting investigations of any violation of Federal, State, County, or Municipal Law.
- D.** Any Law Enforcement Officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this Section.

**Section 210.170. Kidnapping.** <sup>6</sup>

A person commits the offense of kidnapping if he or she knowingly restrains another unlawfully and without consent so as to interfere substantially with his or her liberty.

**Section 210.180. Endangering the Welfare of a Child.** <sup>7</sup>**A.** A person commits the offense of endangering the welfare of a child if he/she:

1. With criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old; or
2. Knowingly encourages, aids or causes a child less than seventeen (17) years of age to engage in any conduct which causes or tends to cause the child to come within the provisions of Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.; or
3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years of age, recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him/her from coming within the provisions of Paragraph (c) of Subdivision (1) of Subsection (1) or Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.; or
4. Knowingly encourages, aids or causes a child less than seventeen (17) years of age to enter into any room, building or other structure which is a public nuisance as defined in Section 579.105, RSMo.

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5. **Note:** Under certain circumstances this offense can be a felony under state law.

6. **Note:** Under certain circumstances this offense can be a felony under state law.

7. **Note:** Under certain circumstances this offense can be a felony under state law.

- B. Nothing in this Section shall be construed to mean the welfare of a child is endangered for the sole reason that he/she is being provided non-medical remedial treatment recognized and permitted under the laws of this State.

**Section 210.190. Leaving a Child Unattended in a Motor Vehicle — Definitions. <sup>8</sup>**

- A. *Definitions.* As used in this Section, the following terms mean:

COLLISION — The act of a motor vehicle coming into contact with an object or a person.

INJURES — To cause physical harm to the body of a person.

MOTOR VEHICLE — Any automobile, truck, truck-tractor, or any motor bus or motor-propelled vehicle not exclusively operated or driven on fixed rails or tracks.

UNATTENDED — Not accompanied by an individual fourteen (14) years of age or older.

- B. A person commits the offense of leaving a child unattended in a motor vehicle if such person knowingly leaves a child less than eleven (11) years of age unattended in a motor vehicle and such child injures another person by causing a motor vehicle collision or by causing the motor vehicle to injure a pedestrian.
- C. The offense of leaving a child unattended in a motor vehicle is an ordinance violation.

**Section 210.200. through Section 210.290. (Reserved)**

ARTICLE III  
**Offenses Concerning Administration of Justice**

**Section 210.300. Concealing an Offense. <sup>9</sup>**

- A. A person commits the offense of concealing an offense if he or she:
1. Confers or agrees to confer any pecuniary benefit or other consideration to any person in consideration of that person's concealing of any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof; or
  2. Accepts or agrees to accept any pecuniary benefit or other consideration in consideration of his/her concealing any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof.

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8. Note: Under certain circumstances this offense can be a felony under state law.

9. Note: Under certain circumstances this offense can be a felony under state law.

**Section 210.310. Hindering Prosecution.** <sup>10</sup>

- A. A person commits the offense of hindering prosecution if, for the purpose of preventing the apprehension, prosecution, conviction or punishment of another person for conduct constituting an offense, he or she:
1. Harbors or conceals such person; or
  2. Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law; or
  3. Provides such person with money, transportation, weapon, disguise or other means to aid him/her in avoiding discovery or apprehension; or
  4. Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person.

**Section 210.320. Refusal To Identify as a Witness.**

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

**Section 210.330. Disturbing a Judicial Proceeding.**

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

**Section 210.340. Tampering With a Witness or Victim.** <sup>11</sup>

- A. A person commits the offense of tampering with a witness or victim if:
1. With the purpose to induce a witness or a prospective witness to disobey a subpoena or other legal process, absent himself or herself, avoid subpoena or other legal process, withhold evidence, information, or documents, or testify falsely, he or she:

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10. Note: Under certain circumstances this offense can be a felony under state law.

11. Note: Under certain circumstances this offense can be a felony under state law.

- a. Threatens or causes harm to any person or property; or
  - b. Uses force, threats or deception; or
  - c. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or
  - d. Conveys any of the foregoing to another in furtherance of a conspiracy; or
2. He or she purposely prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or a person who is acting on behalf of any such victim from:
    - a. Making any report of such victimization to any peace officer, State, Local or Federal Law Enforcement Officer, prosecuting agency, or judge;
    - b. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof;
    - c. Arresting or causing or seeking the arrest of any person in connection with such victimization.

**Section 210.350. Tampering With Physical Evidence.** <sup>12</sup>

- A. A person commits the offense of tampering with physical evidence if he/she:
  1. Alters, destroys, suppresses or conceals any record, document or thing with the purpose to impair its verity, legibility or availability in any official proceeding or investigation; or
  2. Makes, presents or uses any record, document or thing knowing it to be false with the purpose to mislead a public servant who is or may be engaged in any official proceeding or investigation.

**Section 210.360. Improper Communication.**

A person commits the offense of improper communication if he/she communicates, directly or indirectly, with any juror, special master, referee or arbitrator in a judicial proceeding, other than as part of the proceedings in a case, for the purpose of influencing the official action of such person.

**Section 210.370. False Impersonation.**

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

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12. Note: Under certain circumstances this offense can be a felony under state law.

1. Falsely represents himself/herself to be a public servant with the purpose to induce another to submit to his/her pretended official authority or to rely upon his/her pretended official acts, and
    - a. Performs an act in that pretended capacity; or
    - b. Causes another to act in reliance upon his/her pretended official authority.
  2. Falsely represents himself/herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this State with purpose to induce another to rely upon such representation, and
    - a. Performs an act in that pretended capacity; or
    - b. Causes another to act in reliance upon such representation; or
  3. Upon being arrested, falsely represents himself/herself, to a Law Enforcement Officer, with the first and last name, date of birth or social security number, or a substantial number of identifying factors or characteristics as that of another person that results in the filing of a report or record of arrest or conviction for an infraction or offense that contains the first and last name, date of birth and social security number, or a substantial number of identifying factors or characteristics to that of such other person as to cause such other person to be identified as the actual person arrested or convicted.
- B. If a violation of Subsection (A)(3) hereof is discovered prior to any conviction of the person actually arrested for an underlying charge, then the prosecuting attorney bringing any action on the underlying charge shall notify the court thereof, and the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.
- C. Any person who is the victim of a false impersonation and whose identity has been falsely reported in arrest or conviction records may move for expungement and correction of said records under the procedures set forth in Section 610.123, RSMo. Upon a showing that a substantial number of identifying factors of the victim was falsely ascribed to the person actually arrested or convicted, the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and court records.

**Section 210.380. False Reports.**

- A. A person commits the offense of making a false report if he/she knowingly:
1. Gives false information to any person for the purpose of implicating another person in an offense; or

2. Makes a false report to a Law Enforcement Officer that an offense has occurred or is about to occur; or
  3. Makes a false report or causes a false report to be made to a Law Enforcement Officer, security officer, Fire Department or other organization, official or volunteer which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred or is about to occur.
- B. It is a defense to a prosecution under Subsection (A) of this Section that the person retracted the false statement or report before the Law Enforcement Officer or any other person took substantial action in reliance thereon.
- C. The defendant shall have the burden of injecting the issue of retraction under Subsection (B) of this Section.

**Section 210.390. Resisting or Interfering With Arrest, Detention or Stop.** <sup>13</sup>

- A. A person commits the offense of resisting or interfering with arrest, detention, or stop if he or she knows or reasonably should know that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, and for the purpose of preventing the Officer from effecting the arrest, stop or detention, he or she:
1. Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or
  2. Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.
- B. This Section applies to:
1. Arrests, stops or detentions with or without warrants;
  2. Arrests, stops or detentions for any offense, infraction or ordinance violation; and
  3. Arrests for warrants issued by a court or a probation and parole officer.
- C. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a motor vehicle after he or she has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing him or her.
- D. It is no defense to a prosecution under Subsection (A) of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest.

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<sup>13</sup>. Note: Under certain circumstances this offense can be a felony under state law.

**Section 210.400. Escape or Attempted Escape From Custody.** <sup>14</sup>

A person commits the offense of escape from custody or attempted escape from custody if, while being held in custody after arrest for any offense, he/she escapes or attempts to escape from custody.

**Section 210.410. Interference With Legal Process.**

- A. A person commits the offense of interference with legal process if, knowing another person is authorized by law to serve process, he or she interferes with or obstructs such person for the purpose of preventing such person from effecting the service of any process.
- B. "Process" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.

**Section 210.420. through Section 210.510. (Reserved)**

ARTICLE IV  
**Offenses Concerning Public Safety**

**Section 210.520. Abandonment of Airtight or Semi-Airtight Containers.**

- A. A person commits the offense of abandonment of an airtight or semi-airtight container if he or she knowingly abandons, discards, or permits to remain on premises under his or her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of one and one-half (1 1/2) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein.
- B. Subsection (A) of this Section does not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouse operator or repair person.
- C. The defendant shall have the burden of injecting the issue under Subsection (B) of this Section.
- D. The offense of abandonment of an airtight or semi-airtight container is an ordinance violation.

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14. Note: Under certain circumstances this offense can be a felony under state law.

**Section 210.530. Littering.**

- A. A person commits the offense of littering if he/she 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 City or on the banks of any stream or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof or on any land or water owned, operated or leased by the Federal Government or on any private real property owned by another without his/her consent.
- B. It shall be unlawful for any person, firm or corporation to place, keep or maintain in or upon any street, avenue or thoroughfare of the City of Stover, Missouri, any display of merchandise, storage of merchandise, or any other article or thing whatsoever, except while the same is being unloaded or loaded in actual process of transportation and during such loading or unloading for no longer period of time than shall be actually necessary to load or unload the same.

**Section 210.540. Littering Via Carcasses.**

- A. A person commits the offense of unlawful disposition of a dead animal if he or she knowingly places or causes to be placed the carcass or offal of any dead animal:
  - 1. Into any well, spring, brook, branch, creek, pond, or lake; or
  - 2. On any public road or highway, river, stream, or watercourse or upon premises not his or her own for the purpose of annoying another or others.

**Section 210.550. Tampering With a Water Supply.**

- A. A person commits the offense of tampering with a water supply if he or she purposely:
  - 1. Poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir used for domestic or municipal purposes; or
  - 2. Diverts, dams up and holds back from its natural course and flow any spring, brook or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, town or city for his/her, their or its use.
- B. The offense of tampering with a water supply is an ordinance violation.

**Section 210.560. Abandoning Motor Vehicle, Vessel or Trailer.**

- A. A person commits the offense of abandoning a vehicle, vessel, or trailer if he or she knowingly abandons any vehicle, vessel, or trailer on:
  - 1. The right-of-way of any public road or State highway;
  - 2. On or in any of the waters in this State;

3. On the banks of any stream;
  4. On any land or water owned, operated or leased by the State, any board, department, agency or commission thereof, or any political subdivision thereof;
  5. On any land or water owned, operated or leased by the Federal government; or
  6. On any private real property owned by another without his or her consent.
- B. For purposes of this Section, the last owner of record of a vehicle, vessel, or trailer found abandoned and not shown to be transferred pursuant to Sections 301.196 and 301.197, RSMo., shall be deemed prima facie evidence of ownership of such vehicle, vessel, or trailer at the time it was abandoned and the person who abandoned the vehicle, vessel, or trailer or caused or procured its abandonment. The registered owner of the abandoned vehicle, vessel, or trailer shall not be subject to the penalties provided by this Section if the vehicle, vessel, or trailer was in the care, custody, or control of another person at the time of the violation. In such instance, the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address, and other pertinent information of the person who leased, rented, or otherwise had care, custody, or control of the vehicle, vessel, or trailer at the time of the alleged violation. The affidavit submitted pursuant to this Subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the vehicle, vessel, or trailer. In such case, the court has the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator. If the vehicle, vessel, or trailer is alleged to have been stolen, the owner of the vehicle, vessel, or trailer shall submit proof that a police report was filed in a timely manner indicating that the vehicle or vessel was stolen at the time of the alleged violation.
- C. The offense of abandoning a vehicle, vessel, or trailer is an ordinance violation.
- D. Any person convicted pursuant to this Section shall be civilly liable for all reasonable towing, storage, and administrative costs associated with the abandonment of the vehicle, vessel, or trailer. Any reasonable towing, storage, and administrative costs in excess of the value of the abandoned vehicle, vessel, or trailer that exist at the time the property is transferred pursuant to Section 304.156, RSMo., shall remain the liability of the person convicted pursuant to this Section so long as the towing company, as defined in Chapter 304, RSMo., provided the title owner and lienholders, as ascertained by the Department of Revenue records, a notice within the time frame and in the form as described in Subsection 1 of Section 304.156, RSMo.

**Section 210.570. through Section 210.650. (Reserved)**

ARTICLE V  
**Offenses Concerning Public Peace**

**Section 210.660. Definitions.**

As used in this Article, the following terms mean:

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

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

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

**Section 210.670. Peace Disturbance.**

A. A person commits the offense of peace disturbance if he or she:

1. Unreasonably and knowingly disturbs or alarms another person or persons by:
  - a. Loud noise; or
  - b. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient; or
  - c. Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out; or
  - d. Fighting; or
  - e. Creating a noxious and offensive odor.
2. Is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:
  - a. Vehicular or pedestrian traffic; or
  - b. The free ingress or egress to or from a public or private place.

**Section 210.680. Private Peace Disturbance.**

A. A person commits the offense of private peace disturbance if he/she is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:

1. Threatening to commit an offense against any person; or
  2. Fighting.
- B. For purposes of this Section, if a building or structure is divided into separately occupied units, such units are separate premises.

**Section 210.690. Unlawful Assembly.**

A person commits the offense of unlawful assembly if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence.

**Section 210.700. Rioting.**

A person commits the offense of rioting if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence and thereafter, while still so assembled, does violate any of said laws with force or violence.

**Section 210.710. Refusal To Disperse.**

A person commits the offense of refusal to disperse if, being present at the scene of an unlawful assembly or at the scene of a riot, he/she knowingly fails or refuses to obey the lawful command of a Law Enforcement Officer to depart from the scene of such unlawful assembly or riot.

**Section 210.720. Obstructing Public Places.**

- A. *Definition.* The following term shall be defined as follows:

PUBLIC PLACE — Any place to which the general public has access and a right of resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

- B. It shall be unlawful for any person to stand or remain idle either alone or in consort with others in a public place in such manner so as to:
1. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;
  2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public

highway, public sidewalk, or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto;

3. Obstruct the entrance to any business establishment, without so doing for some lawful purpose, if contrary to the expressed wish of the owner, lessee, managing agent or person in control or charge of the building or premises.
- C. When any person causes or commits any of the conditions in this Section, a Police Officer or any Law Enforcement Officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this Section.

**Section 210.730. Disrupting a House of Worship.** <sup>15</sup>

- A. For purposes of this Section, "house of worship" means any church, synagogue, mosque, other building or structure, or public or private place used for religious worship, religious instruction, or other religious purpose.
- B. A person commits the offense of disrupting a house of worship if such person:
1. Intentionally and unreasonably disturbs, interrupts, or disquiets any house of worship by using profane discourse, rude or indecent behavior, or making noise either within the house of worship or so near it as to disturb the order and solemnity of the worship services; or
  2. Intentionally injures, intimidates, or interferes with or attempts to injure, intimidate, or interfere with any person lawfully exercising the right of religious freedom in or outside of a house of worship or seeking access to a house of worship, whether by force, threat, or physical obstruction.

**Section 210.740. Unlawful Funeral Protests Prohibited — Definitions.**

- A. A person commits the offense of unlawful funeral protest if he or she pickets or engages in other protest activities within three hundred (300) feet of any residence, cemetery, funeral home, church, synagogue or other establishment during or within one (1) hour before or one (1) hour after the conducting of any actual funeral or burial service at that place.
- B. *Definitions.* As used in this Section, the following terms mean:

OTHER PROTEST ACTIVITIES — Any action that is disruptive or undertaken to disrupt or disturb a funeral or burial service.

FUNERAL and BURIAL SERVICE — The ceremonies and memorial services held in conjunction with the burial or cremation of the dead, but this Section does not apply to

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15. Note: Under certain circumstances this offense can be a felony under state law.

processions while they are in transit beyond any three-hundred-foot zone that is established under Subsection (A) above.

C. The offense of unlawful funeral protest shall be an ordinance violation.

**Section 210.750. through Section 210.820. (Reserved)**

**ARTICLE VI  
Offenses Concerning Weapons and Firearms**

**Section 210.830. Definitions.**

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

**ANTIQUE, CURIO OR RELIC FIREARM** — Any firearm so defined by the National Gun Control Act, 18 U.S.C. Title 26, §5845, and the United States Treasury/Bureau of Alcohol, Tobacco and Firearms, 27 CFR 178.11:

1. "Antique firearm" is any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, said ammunition not being manufactured any longer; this includes any matchlock, wheel lock, flintlock, percussion cap or similar type ignition system, or replica thereof;
2. Curio or relic firearm is any firearm deriving value as a collectible weapon due to its unique design, ignition system, operation or at least fifty (50) years old, associated with a historical event, renown personage or major war.

**BLACKJACK** — Any instrument that is designed or adapted for the purpose of stunning or inflicting physical injury by striking a person, and which is readily capable of lethal use.

**BLASTING AGENT** — Any material or mixture, consisting of fuel and oxidizer that is intended for blasting, but not otherwise defined as an explosive under this Section, provided that the finished product, as mixed for use of shipment, cannot be detonated by means of a numbered 8 test blasting cap when unconfined.

**CONCEALABLE FIREARM** — Any firearm with a barrel less than sixteen (16) inches in length, measured from the face of the bolt or standing breech.

**DEFACE** — To alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark.

**DETONATOR** — Any device containing a detonating charge that is used for initiating detonation in an explosive, including but not limited to, electric blasting caps of instantaneous and delay types, non-electric blasting caps for use with safety fuse or shock tube and detonating cord delay connectors.

**EXPLOSIVE WEAPON** — Any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon. For the purposes of this Article, the term "explosive" shall mean any chemical compound

mixture or device, the primary or common purpose of which is to function by explosion, including but not limited to, dynamite and other high explosives, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter cords, and igniters or blasting agents.

**FIREARM** — Any weapon that is designed or adapted to expel a projectile by the action of an explosive.

**FIREARM SILENCER** — Any instrument, attachment or appliance that is designed or adapted to muffle the noise made by the firing of any firearm.

**GAS GUN** — Any gas ejection device, weapon, cartridge, container or contrivance, other than a gas bomb, that is designed or adapted for the purpose of ejecting any poison gas that will cause death or serious physical injury, but not any device that ejects a repellent or temporary incapacitating substance.

**INTOXICATED** — Substantially impaired mental or physical capacity resulting from introduction of any substance into the body.

**KNIFE** — Any dagger, dirk, stiletto, or bladed hand instrument that is readily capable of inflicting serious physical injury or death by cutting or stabbing a person. For purposes of this Article, "knife" does not include any ordinary pocketknife with no blade more than four (4) inches in length.

**KNUCKLES** — Any instrument that consists of finger rings or guards made of a hard substance that is designed or adapted for the purpose of inflicting serious physical injury or death by striking a person with a fist enclosed in the knuckles.

**MACHINE GUN** — Any firearm that is capable of firing more than one (1) shot automatically, without manual reloading, by a single function of the trigger.

**PROJECTILE WEAPON** — Any bow, crossbow, pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person.

**RIFLE** — Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger.

**SHORT BARREL** — A barrel length of less than sixteen (16) inches for a rifle and eighteen (18) inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall rifle or shotgun length of less than twenty-six (26) inches.

**SHOTGUN** — Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smooth bore barrel by a single function of the trigger.

**SPRING GUN** — Any fused, timed or non-manually controlled trap or device designed or adapted to set off an explosion for the purpose of inflicting serious physical injury or death.

**SWITCHBLADE KNIFE** — Any knife which has a blade that folds or closes into the handle or sheath, and

1. That opens automatically by pressure applied to a button or other device located on the handle; or
2. That opens or releases from the handle or sheath by the force of gravity or by the application of centrifugal force.

**Section 210.840. Weapons — Carrying Concealed — Other Unlawful Use.** <sup>16</sup>

- A. A person commits the offense of unlawful use of weapons if he/she knowingly:
1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or
  2. Sets a spring gun; or
  3. Discharges or shoots a firearm within the City limits;<sup>17</sup> or
  4. Exhibits, in the presence of one (1) or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
  5. Has a firearm or projectile weapon readily capable of lethal use on his/her person, while he/she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self defense; or
  6. Openly carries a firearm or any other weapon readily capable of lethal use within the City limits; or
  7. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.
  8. Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of Section 579.015, RSMo.
- B. Subsections (A)(1) and (7) of this Section shall not apply to the persons described in this Subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this Subsection. Subsections (A)(3) and (4) of this Section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are

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16. Note: Under certain circumstances this offense can be a felony under state law.

17. State Law Reference: §252.243.3, RSMo., limits the discharge of firearms in certain areas known as "Hunting Heritage Protection Areas," which are defined therein.

necessary to the fulfillment of such person's official duties, except as otherwise provided in this Subsection:

1. All State, County and Municipal Peace Officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and who possess the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or Municipalities of the State, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired Peace Officers, as defined in Subsection (11) of Section 571.030, RSMo., and who carry the identification defined in Subsection (12) of Section 571.030, RSMo., or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
3. Members of the Armed Forces or National Guard while performing their official duty;
4. Those persons vested by Article V, Section 1, of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal judiciary;
5. Any person whose bona fide duty is to execute process, civil or criminal;
6. Any Federal Probation Officer or Federal Flight Deck Officer as defined under the Federal Flight Deck Officer Program, 49 U.S.C. §44921, regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;
7. Any State Probation or Parole Officer, including supervisors and members of the Board of Probation and Parole;
8. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Department of Public Safety under Section 590.750, RSMo.;
9. Any coroner, deputy coroner, medical examiner or assistant medical examiner;
10. Any prosecuting attorney or assistant prosecuting attorney, circuit attorney or assistant circuit attorney or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under Subsection (2) of Section 571.111, RSMo.;
11. Any member of a Fire Department or Fire Protection District who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or valid concealed carry permit under Section 571.111, RSMo., when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and

12. Upon the written approval of the Governing Body of a Fire Department or Fire Protection District, any paid Fire Department or Fire Protection District Chief who is employed on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.
- C. Subsections (A)(1), (5) and (7) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subsection (A)(1) of this Section does not apply to any person nineteen (19) years of age or older or eighteen (18) years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State. Subsection (A)(7) of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.
- D. Subsections (A)(1) and (7) of this Section shall not apply to any person who has a valid concealed carry permit issued pursuant to Sections 571.101 to 571.121, RSMo., a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State.
- E. Subsections (A)(3), (4), (5) and (7) of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.
- F. Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

**Section 210.850. Possession, Manufacture, Transport, Repair, Sale of Certain Weapons.**

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- A. A person commits an offense if such person knowingly possesses, manufactures, transports, repairs, or sells:

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18. Note: Under certain circumstances this offense can be a felony under state law.

1. An explosive weapon;
  2. An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;
  3. A gas gun;
  4. A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm;
  5. Knuckles; or
  6. Any of the following in violation of Federal law:
    - a. A machine gun;
    - b. A short-barreled rifle or shotgun;
    - c. A firearm silencer; or
    - d. A switchblade knife.
- B. A person does not commit an offense pursuant to this Section if his/her conduct involved any of the items in Subsections (A)(1) through (5), the item was possessed in conformity with any applicable Federal law, and the conduct:
1. Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency or a penal institution; or
  2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in Subparagraph (1) of this Subsection; or
  3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or
  4. Was incident to displaying the weapon in a public museum or exhibition; or
  5. Was incident to using the weapon in a manner reasonably related to a lawful dramatic performance.

**Section 210.860. Defacing Firearm.**

A person commits the offense of defacing a firearm if he/she knowingly defaces any firearm.

**Section 210.870. Purchase in Another State by Missouri Residents, Permitted When.**

Residents of the State of Missouri may purchase firearms in any State, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, 18 U.S.C. §921 et seq., and regulations thereunder, and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Missouri and in the State in which the purchase is made.

**Section 210.880. Purchase in Missouri by Non-Resident, Permitted When.**

Residents of any State may purchase firearms in the State of Missouri, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, 18 U.S.C. §921 et seq., and regulations thereunder, and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Missouri and in the State in which such persons reside.

**Section 210.890. Unlawful Transfer of Weapons.** <sup>19</sup>

- A. A person commits the offense of unlawful transfer of weapons if he/she:
1. Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian or recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers any firearm to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian; provided that this does not prohibit the delivery of such weapons to any Peace Officer or member of the Armed Forces or National Guard while performing his/her official duty; or
  2. Recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

**Section 210.900. Carrying Concealed Firearms Prohibited — Penalty for Violation.**

- A. It shall be a violation of this Section, punishable as hereinafter provided, for any person to carry any concealed firearm into:
1. Any Police, Sheriff or Highway Patrol office or station without the consent of the Chief Law Enforcement Officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
  2. Within twenty-five (25) feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
  3. The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
  4. Any courthouse solely occupied by the Circuit, Appellate or Supreme Court, or any courtrooms, administrative offices, libraries or other rooms of any such court

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19. Note: Under certain circumstances this offense can be a felony under state law.

whether or not such court solely occupies the building in question. This Subsection shall also include, but not be limited to, any juvenile, family, drug or other court offices, any room or office wherein any of the courts or offices listed in this Subsection are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by Supreme Court Rule pursuant to Subdivision (6) of Subsection (1) of Section 571.107, RSMo. Nothing in this Subsection shall preclude those persons listed in Subsection (B)(1) of Section 210.840 while within their jurisdiction and on duty, those persons listed in Subsections (B)(2), (4) and (10) of Section 210.840, or such other persons who serve in a law enforcement capacity for a court as may be specified by Supreme Court Rule pursuant to Subdivision (6) of Subsection (1) of Section 571.107, RSMo., from carrying a concealed firearm within any of the areas described in this Subsection. Possession of a firearm in a vehicle on the premises of any of the areas listed in this Subsection shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

5. Any meeting of the Stover Board of Aldermen, except that nothing in this Subsection shall preclude a member of the Board of Aldermen holding a valid concealed carry permit or endorsement from carrying a concealed firearm at a meeting of the Board of Aldermen of which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
6. Any building owned, leased or controlled by the City of Stover identified by signs posted at the entrance to the building. This Subsection shall not apply to any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by the City of Stover. Persons violating this Subsection may be denied entrance to the building, ordered to leave the building and, if employees of the City, be subjected to disciplinary measures for violation;
7. Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this Subsection shall not apply to the licensee of said establishment. The provisions of this Subsection shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty (50) persons and that receives at least fifty-one percent (51%) of its gross annual income from the dining facilities by the sale of food. This Subsection does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this Subsection authorizes any individual who has been issued a concealed carry permit or endorsement to possess any firearm while intoxicated;
8. Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport

shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

9. Any place where the carrying of a firearm is prohibited by Federal law;
10. Any higher education institution or elementary or secondary school facility without the consent of the Governing Body of the higher education institution or a school official or the district school board, unless the person with the concealed carry endorsement or permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no consent is required. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
11. Any portion of a building used as a child care facility without the consent of the manager. Nothing in this Subsection shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a concealed carry permit or endorsement;
12. Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the Gaming Commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
13. Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
14. Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
15. Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one (1) or more signs displayed in a conspicuous place of a minimum size of eleven (11) inches by fourteen (14) inches with the writing thereon in letters of not less than one (1) inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity or person may prohibit persons holding a concealed carry permit or endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry permit or endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the

premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry permit or endorsement from carrying a concealed firearm in vehicles owned by the employer;

16. Any sports arena or stadium with a seating capacity of five thousand (5,000) or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
  17. Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- B. Any person violating any of the provisions of Subsection (A) of this Section shall be punished as follows:
1. If the violator holds a concealed carry permit or endorsement issued pursuant to State law, the violator may be subject to denial to the premises or removal from the premises. If such person refuses to leave the premises and a Peace Officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars (\$100.00) for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars (\$200.00). If a third citation for a similar violation is issued within one (1) year of the first citation, such person shall be fined an amount not to exceed five hundred dollars (\$500.00). Upon conviction of charges arising from a citation issued pursuant to this Section, the court shall notify the Sheriff of the County which issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the Sheriff of the County which issued the certificate of qualification for a concealed carry permit or endorsement and the Department of Revenue.
  2. If the violator does not hold a current valid concealed carry permit or endorsement issued pursuant to State law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in Section 100.220 of this Code of Ordinances.
  3. Employees of the City of Stover may, in addition to any other punishment hereby, be subject to disciplinary action.
- C. It shall be a violation of this Section, punishable by a citation for an amount not to exceed thirty-five dollars (\$35.00), for any person issued a concealed carry permit or endorsement pursuant to State law to fail to carry the concealed carry permit or endorsement at all times the person is carrying a concealed firearm, or to fail to display the concealed carry permit or endorsement upon the request of any Peace Officer.

**Section 210.910. Open Display of Firearm Permitted, When.**

Any person who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, and who is lawfully carrying a firearm in a concealed manner, may briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.

**Section 210.920. Discharging Air Gun, Etc.**

Whosoever shall, within the City limits, willfully fire off or discharge or cause to expel or throw any dangerous projectile to include, but not be limited to, paintball guns, air guns, crossbows, bows and arrows, slingshots and any other mechanical devices capable of throwing or causing to be thrown any deadly or dangerous projectile, except in instances in which persons are attempting to protect life, limb or property, shall be deemed guilty of an ordinance violation.

**Section 210.930. Turkey Shoots and Other Charitable Events.**

The discharge of firearms in connection with any turkey shoots or other charitable event may be authorized by the Board of Aldermen.

**Section 210.940. Possession of Firearm Unlawful for Certain Persons — Penalty — Exception.** <sup>20</sup>

- A. A person commits the offense of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:
  - 1. Such person has been convicted of a felony under the laws of this State, or of a crime under the laws of any State or of the United States which, if committed within this State, would be a felony; or
  - 2. Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.
- B. The provisions of Subsection (A)(1) of this Section shall not apply to the possession of an antique firearm.

**Section 210.950. through Section 210.1010. (Reserved)**

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<sup>20</sup>. Note: This offense is a felony under state law.

ARTICLE VII  
**Offenses Concerning Property**

**Section 210.1020. Definitions.**

As used in this Article, the following terms mean:

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

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

**UTILITY** — An enterprise which provides gas, electric, steam, water, sewage disposal, or communication, video, internet, or voice over internet protocol services, and any common carrier. It may be either publicly or privately owned or operated.

**Section 210.1030. Tampering.** <sup>21</sup>

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

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

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

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21. Note: Under certain circumstances this offense can be a felony under state law.

that there has been a violation of such Subsection by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.

**Section 210.1040. Property Damage.** <sup>22</sup>

- A. A person commits the offense of property damage if he/she:
  - 1. Knowingly damages property of another; or
  - 2. Damages property for the purpose of defrauding an insurer.

**Section 210.1050. Claim of Right.**

- A. A person does not commit an offense by damaging, tampering with, operating, riding in or upon or making connection with property of another if he/she does so under a claim of right and has reasonable grounds to believe he/she has such a right.
- B. The defendant shall have the burden of injecting the issue of claim of right.
- C. No person who, as a tenant, willfully or wantonly destroys, defaces, damages, impairs or removes any part of a leased structure or dwelling unit, or the facilities, equipment or appurtenances thereof, may inject the issue of claim of right.

**Section 210.1060. Trespass in the First Degree.**

- A. A person commits the offense of trespass in the first degree if he/she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.
- B. A person does not commit the offense of trespass by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:
  - 1. Actual communication to the actor; or
  - 2. Posting in a manner reasonably likely to come to the attention of intruders.

**Section 210.1070. Trespass in the Second Degree.**

- A. A person commits trespass in the second degree if he/she enters unlawfully upon real property of another. This is an offense of absolute liability.
- B. Trespass in the second degree is an infraction.

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<sup>22</sup>. Note: Under certain circumstances this offense can be a felony under state law.

**Section 210.1080. Trespass of a School Bus.**

- A. A person commits the offense of trespass of a school bus if he or she knowingly and unlawfully enters any part of or unlawfully operates any school bus.
- B. For the purposes of this Section, the terms "unlawfully enters" and "unlawfully operates" refer to any entry or operation of a school bus which is not:
  - 1. Approved of and established in a school district's written policy on access to school buses; or
  - 2. Authorized by specific written approval of the school board.
- C. In order to preserve the public order, any district which adopts the policies described in Subsection (B) of this Section shall establish and enforce a student behavior policy for students on school buses.

**Section 210.1090. Reckless Burning or Exploding.**

A person commits the offense of reckless burning or exploding if he/she recklessly starts a fire or causes an explosion and thereby damages or destroys the property of another.

**Section 210.1100. Negligent Burning or Exploding.**

- A. A person commits the offense of negligent burning or exploding if he/she with criminal negligence causes damage to property or to the woodlands, cropland, grassland, prairie, or marsh of another by:
  - 1. Starting a fire or causing an explosion; or
  - 2. Allowing a fire burning on lands in his or her possession or control onto the property of another.

**Section 210.1110. Stealing.<sup>23</sup>**

- A. A person commits the offense of stealing if he or she:
  - 1. Appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion;
  - 2. Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or
  - 3. For the purpose of depriving the owner of a lawful interest therein, receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

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23. Note: Under certain circumstances this offense can be a felony under state law.

**Section 210.1120. Theft of Motor Fuel.**

- A. No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made.
- B. A person found guilty or pleading guilty to stealing pursuant to Section 210.1110 for the theft of motor fuel as described in Subsection (A) shall have his/her driver's license suspended by the court beginning on the date of the court's order of conviction. The person shall submit all of his/her operator's and chauffeur's licenses to the court upon conviction and the court shall forward all such driver's licenses and the order of suspension of driving privileges to the Department of Revenue for administration of such order.

**Section 210.1130. (Reserved)** <sup>24</sup>**Section 210.1140. Financial Exploitation of an Elderly Person or Person With a Disability — Certain Defense Prohibited.** <sup>25</sup>

- A. A person commits the offense of financial exploitation of an elderly person or a person with a disability if such person knowingly obtains control over the property of the elderly person or person with a disability with the intent to permanently deprive the person of the use, benefit or possession of his or her property thereby benefitting the offender or detrimentally affecting the elderly person or person with a disability by:
  - 1. Deceit;
  - 2. Coercion;
  - 3. Creating or confirming another person's impression which is false and which the offender does not believe to be true;
  - 4. Failing to correct a false impression which the offender previously has created or confirmed;
  - 5. Preventing another person from acquiring information pertinent to the disposition of the property involved;
  - 6. Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record;

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24. Editor's Note: This Section previously pertained to receiving stolen property. However, the authorizing statute, former RSMo. §570.080, was repealed without replacement by SB 491 in the 2014 Legislative Session, effective 1-1-2017.

25. Note: Under certain circumstances this offense can be a felony under state law.

7. Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform; or
  8. Undue influence, which means the use of influence by someone who exercises authority over an elderly person or person with a disability in order to take unfair advantage of that person's vulnerable state of mind, neediness, pain, or agony. "Undue influence" includes, but is not limited to, the improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other fiduciary authority.
- B. Nothing in this Section shall be construed to limit the remedies available to the victim pursuant to any State law relating to domestic violence.
  - C. Nothing in this Section shall be construed to impose criminal liability on a person who has made a good-faith effort to assist the elderly person or person with a disability in the management of his or her property, but through no fault of his or her own has been unable to provide such assistance.
  - D. Nothing in this Section shall limit the ability to engage in bona fide estate planning, to transfer property and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly person or person with a disability has become accustomed at the time of such actions.
  - E. It shall not be a defense to financial exploitation of an elderly person or person with a disability that the accused reasonably believed that the victim was not an elderly person or person with a disability.
  - F. *Medicaid Funds.* It shall be unlawful in violation of this Section for any person receiving or in the possession of funds of a Medicaid-eligible elderly person or person with a disability residing in a facility licensed under Chapter 198, RSMo., to fail to remit to the facility in which the Medicaid-eligible person resides all money owing the facility resident from any source, including, but not limited to, social security, railroad retirement, or payments from any other source disclosed as resident income contained in the records of the Department of Social Services, Family Support Division, or its successor. The Department of Social Services, Family Support Division, or its successor is authorized to release information from its records containing the resident's income or assets to any prosecuting or circuit attorney in the State of Missouri for purposes of investigating or prosecuting any suspected violation of this Section.
  - G. The offense of financial exploitation of an elderly person or person with a disability is an ordinance violation.

**Section 210.1150. Fraudulent Use of a Credit or Debit Device.** <sup>26</sup>

- A. A person commits the offense of fraudulent use of a credit device or debit device if he or she uses a credit device or debit device for the purpose of obtaining services or property, knowing that:

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<sup>26</sup> Note: Under certain circumstances this offense can be a felony under state law.

1. The device is stolen, fictitious or forged; or
  2. The device has been revoked or canceled; or
  3. For any other reason his or her use of the device is unauthorized; or
- B. A person commits the offense of fraudulent use of a credit device or debit device if he or she uses a credit device or debit device for the purpose of paying property taxes and knowingly cancels such charges or payment without just cause. It shall be prima facie evidence of a violation of this Section if a person cancels such charges or payment after obtaining a property tax receipt to obtain license tags from the Missouri Department of Revenue.

**Section 210.1160. Deceptive Business Practice.**

- A. A person commits the offense of deceptive business practice if in the course of engaging in a business, occupation or profession, he or she recklessly:
1. Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity;
  2. Sells, offers, displays for sale, or delivers less than the represented quantity of any commodity or service;
  3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he or she furnishes the weight or measure;
  4. Sells, offers, or exposes for sale adulterated or mislabeled commodities;
  5. Makes a false or misleading written statement for the purpose of obtaining property or credit;
  6. Promotes the sale of property or services by a false or misleading statement in any advertisement; or
  7. Advertises in any manner the sale of property or services with the purpose not to sell or provide the property or services:
    - a. At the price which he or she offered them;
    - b. In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement; or
    - c. At all.

**Section 210.1170. Alteration or Removal of Item Numbers With Intent To Deprive Lawful Owner.** <sup>27</sup>

- A. A person commits the offense of alteration or removal of item numbers if he/she with the purpose of depriving the owner of a lawful interest therein:
1. Destroys, removes, covers, conceals, alters, defaces or causes to be destroyed, removed, covered, concealed, altered or defaced the manufacturer's original serial number or other distinguishing owner-applied number or mark on any item which bears a serial number attached by the manufacturer or distinguishing number or mark applied by the owner of the item for any reason whatsoever;
  2. Sells, offers for sale, pawns or uses as security for a loan any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced; or
  3. Buys, receives as security for a loan or in pawn, or in any manner receives or has in his/her possession any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced.

**Section 210.1180. Stealing Leased or Rented Personal Property — Enforcement Procedure — Penalty — Venue.** <sup>28</sup>

- A. A person commits the offense of stealing leased or rented property if, with the intent to deprive the owner thereof, such person:
1. Purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property;
  2. Conceals or aids or abets the concealment of the property from the owner;
  3. Sells, encumbers, conveys, pawns, loans, abandons or gives away the leased or rented property or any part thereof, without the written consent of the lessor, or without informing the person to whom the property is transferred to, that the property is subject to a lease;
  4. Returns the property to the lessor at the end of the lease term, plus any agreed upon extensions, but does not pay the lease charges agreed upon in the written instrument, with the intent to wrongfully deprive the lessor of the agreed upon charges.
- B. The provisions of this Section shall apply to all forms of leasing and rental agreements including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts.

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27. Note: Under certain circumstances this offense can be a felony under state law.

28. Note: Under certain circumstances this offense can be a felony under state law.

For the purpose of determining if a violation of this Section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.

- C. Evidence that a lessee used a false, fictitious, or not current name, address, or place of employment in obtaining the property or that a lessee fails or refuses to return the property or pay the lease charges to the lessor within seven (7) days after written demand for the return has been sent by certified mail, return receipt requested, to the address the person set forth in the lease agreement, or in the absence of the address, to the person's last known place of residence, shall be evidence of intent to violate the provisions of this Section, except that if a motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the offense of stealing leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate State and local computer system listing stolen motor vehicles. Any Law Enforcement Officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he/she may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the seven-day period prescribed in this Subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five (5) days notify the person who leased or rented the property that such person is in violation of this Section, and that failure to immediately return the property may subject such person to arrest for the violation.
- D. This Section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement or within ten (10) days after proper notice.
- E. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner commits the offense of property damage pursuant to Section 569.100, RSMo., or Section 210.1040 of this Code in addition to being in violation of this Section.
- F. Venue shall lie in the County where the personal property was originally rented or leased.

**Section 210.1190. Passing Bad Checks.** <sup>29</sup>

- A. A person commits the offense of passing a bad check when he/she:
1. With the purpose to defraud, makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money knowing that it will not be paid by the drawee or that there is no such drawee; or
  2. Makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that there are insufficient funds in or on deposit with that account for the payment of such check, sight order or other form of presentment involving the transmission of account information in full and all other checks, sight orders or other forms of presentment involving the transmission of account information upon such funds then outstanding, or that there is no such account or no drawee and fails to pay the check or sight order or other form of presentment involving the transmission of account information within ten (10) days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.
- B. As used in Subsection (A)(2) of this Section, "actual notice in writing" means notice of the non-payment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten-day period during which the instrument may be paid and that payment of the instrument within such ten-day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

**Section 210.1200. Shoplifting — Detention of Suspect by Merchant — Liability Presumption.**

- A. *Definitions.* As used in this Section, the following definitions shall apply:

**MERCANTILE ESTABLISHMENT** — Any mercantile place of business in, at or from which goods, wares and merchandise are sold, offered for sale or delivered from and sold at retail or wholesale.

**MERCHANDISE** — All goods, wares and merchandise offered for sale or displayed by a merchant.

**MERCHANT** — Any corporation, partnership, association or person who is engaged in the business of selling goods, wares and merchandise in a mercantile establishment.

**WRONGFUL TAKING** — Includes stealing of merchandise or money and any other wrongful appropriation of merchandise or money.

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29. Note: Under certain circumstances this offense can be a felony under state law.

- B. Any merchant, his/her agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing a wrongful taking of merchandise or money from a mercantile establishment, may detain such person in a reasonable manner and for a reasonable length of time for the purpose of investigating whether there has been a wrongful taking of such merchandise or money. Any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it render the merchant, his/her agent or employee criminally or civilly liable to the person so detained.
- C. Any person willfully concealing unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of Subsection (A), and the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time of such person by a merchant, his/her agent or employee in order that recovery of such merchandise may be effected, and any such reasonable detention shall not be deemed to be unlawful nor render such merchant, his/her agent or employee criminally or civilly liable.

**Section 210.1210. Copper Wire or Cable, Catalytic Converters, Collectors and Dealers To Keep Register, Information Required — Penalty — Exempt Transactions.**

- A. Every purchaser or collector of, or dealer in, junk, scrap metal or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this Section is obtained for value. There shall be a separate record for each transaction involving any:
  - 1. Copper, brass or bronze;
  - 2. Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting or fastener;
  - 3. Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in Section 350.010, RSMo.; whatever may be the condition or length of such metal; or
  - 4. Catalytic converter.
- B. The record required by this Section shall contain the following data:
  - 1. A copy of the driver's license or photo identification issued by the State or by the United States Government or agency thereof to the person from whom the material is obtained;
  - 2. The current address, gender, birth date, and a photograph of the person from whom the material is obtained if not included or are different from the identification required in Subsection (B)(1) of this Subsection;
  - 3. The date, time and place of the transaction;

4. The license plate number of the vehicle used by the seller during the transaction;
  5. A full description of the metal, including the weight and purchase price.
- C. The records required under this Section shall be maintained for a minimum of twenty-four (24) months from when such material is obtained and shall be available for inspection by any Law Enforcement Officer.
- D. Anyone convicted of violating this Section shall be guilty of an ordinance violation.
- E. This Section shall not apply to any of the following transactions:
1. Any transaction for which the total amount paid for all regulated scrap metal purchased or sold does not exceed fifty dollars (\$50.00), unless the scrap metal is a catalytic converter;
  2. Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or
  3. Any transaction for which the type of metal subject to Subsection (A) of this Section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications.

**Section 210.1220. Metal Beer Keg, Prohibition on Purchase or Possession by Scrap Metal Dealer — Violation, Penalty.**

- A. No scrap metal dealer shall knowingly purchase or possess a metal beer keg, whether damaged or undamaged, or any reasonably recognizable part thereof, on any premises that the dealer uses to buy, sell, store, shred, melt, cut or otherwise alter scrap metal except when the purchase is from the brewer or its authorized representative. For purposes of this Section, "keg" shall have the same meaning as in Section 311.082, RSMo.
- B. Anyone who is found guilty of, or pleads guilty to, violating this Section shall be guilty of an ordinance violation punishable only by fine. Nothing in this Section shall be construed to preclude a person violating this Section from also being prosecuted for any applicable criminal offense.

**Section 210.1230. Metal Belonging to Various Entities — Scrap Yard Not To Purchase — Violation, Penalty.**

- A. No scrap yard shall purchase any metal that can be identified as belonging to a public or private cemetery, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility or utility regulated under Chapters 386 or 393, RSMo., including

bleachers, guardrails, signs, street and traffic lights or signals, and manhole cover or covers, whether broken or unbroken, from anyone other than the cemetery or monument owner, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, utility regulated under Chapter 386 or 393, RSMo., or manufacturer of the metal or item described in this Section unless such person is authorized in writing by the cemetery or monument owner, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, utility regulated under Chapter 386 or 393, RSMo., or manufacturer to sell the metal.

- B. Anyone convicted of violating this Section shall be guilty of an ordinance violation.

**Section 210.1240. Scrap Metal Dealers — Payments in Excess of \$500.00 To Be Made by Check — Exceptions.**

- A. Any scrap metal dealer paying out an amount that is five hundred dollars (\$500.00) or more shall make such payment by issuing a prenumbered check drawn on a regular bank account in the name of the licensed scrap metal dealer and with such check made payable to the person documented as the seller in accordance with this Section, or by using a system for automated cash or electronic payment distribution which photographs or videotapes the payment recipient and identifies the payment with a distinct transaction in the register maintained in accordance with Chapter 407, RSMo.
- B. Any scrap metal dealer that purchases scrap metal from a seller and pays in the form of cash is required to obtain a copy of the seller's driver's license or non-driver's license if the metal is copper or a catalytic converter. This Section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business.
- C. Any person in violation of Sections 210.1210 to 210.1240 by selling stolen scrap metal shall be responsible for consequential damages related to obtaining the scrap metal.

**Section 210.1250. through Section 210.1340. (Reserved)**

**ARTICLE VIII  
Offenses Concerning Prostitution**

**Section 210.1350. Article Definitions.**

As used in this Article, the following terms mean:

**DEVIATE SEXUAL INTERCOURSE** — Any sexual act involving the genitals of one (1) person and the mouth, hand, tongue, or anus of another person; or any act involving the

penetration, however slight, of the penis, the female genitalia, or the anus by a finger, instrument, or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

**PERSISTENT PROSTITUTION OFFENDER** — A person who has been found guilty of two (2) or more prostitution-related offenses.

**PROSTITUTION-RELATED OFFENSE** — Any violation of State law for prostitution, patronizing prostitution, or promoting prostitution.

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

**SEXUAL CONTACT** — Any touching of another person with the genitals or any touching of the genitals or anus of another person or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person or for the purpose of terrorizing the victim.

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

**SOMETHING OF VALUE** — Any money or property, or any token, object or article exchangeable for money or property.

#### **Section 210.1360. Prostitution.** <sup>30</sup>

A person commits the offense of prostitution if he or she engages in or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by any person.

#### **Section 210.1370. Patronizing Prostitution.** <sup>31</sup>

A. A person commits the offense of patronizing prostitution if he or she:

1. Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or
2. Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or
3. Solicits or requests another person to engage in sexual conduct with any person in return for something of value.

B. It shall not be a defense that the person believed that the individual he or she patronized for prostitution was eighteen (18) years of age or older.

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<sup>30</sup>. Note: Under certain circumstances this offense can be a felony under state law.

<sup>31</sup>. Note: Under certain circumstances this offense can be a felony under state law.

**Section 210.1380. (Reserved)** <sup>32</sup>**Section 210.1390. Prostitution Houses Deemed Public Nuisances.**

- A. Any room, building or other structure regularly used for any prostitution activity prohibited by this Article is a public nuisance.
- B. The City Prosecuting Attorney may, in addition to all criminal sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one (1) year.
- C. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any prostitution activity anywhere within the jurisdiction of the court.
- D. Appeals shall be allowed from the judgment of the court as in other civil actions.

**Section 210.1400. through Section 210.1490. (Reserved)**

ARTICLE IX  
**Sexual Offenses**

**Section 210.1500. Article Definitions.**

As used in this Article, the following terms shall have the meanings set forth herein:

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

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

**SEXUAL CONTACT** — Any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

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

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32. Editor's Note: This Section previously noted that in prosecutions of prostitution and patronizing prostitution, the sex (gender) of the parties was no defense. However, the authorizing statute, former RSMo. §567.040, was repealed without replacement by SB 491 in the 2014 Legislative Session, effective 1-1-2017.

**Section 210.1510. Sexual Misconduct.**

- A. A person commits the offense of sexual misconduct in the first degree if such person:
1. Exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm;
  2. Has sexual contact in the presence of a third person or persons under circumstances in which he/she knows that such conduct is likely to cause affront or alarm; or
  3. Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.

**Section 210.1520. Sexual Abuse.** <sup>33</sup>

A person commits the offense of sexual abuse in the second degree if he/she purposely subjects another person to sexual contact without that person's consent.

**Section 210.1530. Certain Offenders Not To Physically Be Present or Loiter Within 500 Feet of a Child Care Facility — Violation — Penalty.**

- A. Any person who has been found guilty of:
1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Section 573.200, RSMo., Use Of A Child In A Sexual Performance; Section 573.205, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography In The First Degree; Section 573.035, RSMo., Promoting Child Pornography In The Second Degree; Section 573.037, RSMo., Possession Of Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or
  2. Any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not knowingly be physically present in or loiter within five hundred (500) feet of or to approach, contact, or communicate with any child under eighteen (18) years of age in any child-care facility building, on the real property comprising any child care facility when persons under the age of eighteen (18) are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds.

- B. For purposes of this Section, "child care facility" shall include any child care facility licensed under Chapter 210, RSMo., or any child care facility that is exempt from State

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33. Note: Under certain circumstances this offense can be a felony under state law.

licensure but subject to State regulation under Section 210.252, RSMo., and holds itself out to be a child care facility.

C. Violation of the provisions of this Section is an ordinance violation.

**Section 210.1540. Certain Offenders Not To Be Present Within 500 Feet of School Property, Exception — Permission Required for Parents or Guardians Who Are Offenders, Procedure.**

A. Any person who has been found guilty of:

1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Section 573.200, RSMo., Use Of A Child In A Sexual Performance; Section 573.205, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or
2. Any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not be present in or loiter within five hundred (500) feet of any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building and has met the conditions set forth in Subsection (B) of this Section.

B. No parent, legal guardian or custodian who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the offenses listed in Subsection (A) of this Section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds, or in the conveyance, unless the parent, legal guardian, or custodian has permission to be present from the Superintendent or School Board or in the case of a private school from the Principal. In the case of a public school, if permission is granted, the Superintendent or School Board President must inform the Principal of the school where the sex offender will be present. Permission may be granted by the Superintendent, School Board, or in the case of a private school from the Principal for more than one (1) event at a time, such as a series of events, however, the parent, legal guardian or custodian must obtain permission for any other event he/she wishes to attend for which he/she has not yet had permission granted.

- C. Regardless of the person's knowledge of his or her proximity to school property or a school-related activity, violation of the provisions of this Section is an ordinance violation.

**Section 210.1550. Halloween, Restrictions on Conduct — Violations.**

- A. Any person required to register as a sexual offender under Sections 589.400 to 589.425, RSMo., shall be required on October 31st of each year to:
1. Avoid all Halloween-related contact with children;
  2. Remain inside his or her residence between the hours of 5:00 P.M. and 10:30 P.M. unless required to be elsewhere for just cause including, but not limited to, employment or medical emergencies;
  3. Post a sign at his or her residence stating "No candy or treats at this residence"; and
  4. Leave all outside residential lighting off during the evening hours after 5:00 P.M.
- B. Any person required to register as a sexual offender under Sections 589.400 to 589.425, RSMo., who violates the provisions of Subsection (A) of this Section shall be guilty of an ordinance violation.

**Section 210.1560. through Section 210.1660. (Reserved)**

ARTICLE X  
**Offenses Concerning Pornography**

**Section 210.1670. Definitions.**

When used in this Article, the following terms shall have the meanings set out herein:

**FURNISH** — To issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide.

**MATERIAL** — Anything printed or written, or any picture, drawing, photograph, motion-picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. "Material" includes undeveloped photographs, molds, printing plates, stored computer data, and other latent representational objects.

**MINOR** — Any person less than eighteen (18) years of age.

**NUDITY or STATE OF NUDITY** — The showing of the human genitals, pubic area, vulva, anus, anal cleft, or the female breast with less than a fully opaque covering of any part of the nipple or areola.

OBSCENE — Any material or performance if, taken as a whole:

1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and
2. The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and
3. A reasonable person would find the material lacks serious literary, artistic, political or scientific value.

PERFORMANCE — Any play, motion-picture film, videotape, dance or exhibition performed before an audience of one (1) or more.

PORNOGRAPHIC FOR MINORS — Any material or performance if the following apply:

1. The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors; and
2. The material or performance depicts or describes nudity, sexual conduct, the condition of human genitals when in a state of sexual stimulation or arousal or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and
3. The material or performance, taken as a whole, lacks serious literary, artistic, political or scientific value for minors.

PROMOTE — To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same, by any means including a computer.

SADOMASOCHISTIC ABUSE — Flagellation or torture by or upon a person as an act of sexual stimulation or gratification.

SEXUAL CONDUCT — Actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.

SEXUAL EXCITEMENT — The condition of human male or female genitals when in a state of sexual stimulation or arousal.

**Section 210.1680. Promoting Pornography for Minors or Obscenity.** <sup>34</sup>

- A. A person commits the offense of promoting pornography for minors or obscenity if, knowing of its content and character, he/she:

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<sup>34</sup>. Note: Under certain circumstances this offense can be a felony under state law.

1. Promotes or possesses with the purpose to promote any obscene materials for pecuniary gain; or
2. Produces, presents, directs or participates in any obscene performance for pecuniary gain; or
3. Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain; or
4. Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain; or
5. Promotes, possesses with the purpose to promote, produces, presents, directs or participates in any performance that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

**Section 210.1690. Furnishing Pornographic Materials to Minors.** <sup>35</sup>

- A. A person commits the offense of furnishing pornographic material to minors if, knowing of its content and character, he/she:
1. Furnishes any material pornographic for minors knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor; or
  2. Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or
  3. Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.
- B. It is not a defense to a prosecution for a violation of this Section that the person being furnished the pornographic material is a Peace Officer masquerading as a minor.
- C. The offense of furnishing pornographic material to minors or attempting to furnish pornographic material to minors is an ordinance violation.

**Section 210.1700. through Section 210.1790. (Reserved)**

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<sup>35</sup>. Note: Under certain circumstances this offense can be a felony under state law.

ARTICLE XI  
**Offenses Concerning Drugs**

**Section 210.1800. Possession of Marijuana or Synthetic Cannabinoid.** <sup>36</sup>

A person commits the offense of possession of marijuana or any synthetic cannabinoid, as both terms are defined in Section 195.010, RSMo., if he or she knowingly possesses marijuana or any synthetic cannabinoid, except as authorized by Chapter 579 or Chapter 195, RSMo.<sup>37</sup>

**Section 210.1810. Possession of a Controlled Substance.** <sup>38</sup>

A person commits the offense of possession of a controlled substance, as defined in Section 195.010, RSMo., if he or she knowingly possesses a controlled substance, except as authorized by Chapter 579, RSMo., or Chapter 195, RSMo.<sup>39</sup>

**Section 210.1815. Limit on Sale or Dispensing of Certain Drugs — Exceptions — Violations and Penalties.**

- A. The limits specified in this Section shall not apply to any quantity of such product, mixture, or preparation which must be dispensed, sold, or distributed in a pharmacy pursuant to a valid prescription.
- B. Within any thirty-day period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as: a) the sole active ingredient; or b) one (1) of the active ingredients of a combination drug; or c) a combination of any of the products specified in items a) and b) of this Subsection; in any total amount greater than nine (9) grams, without regard to the number of transactions.
- C. Within any twenty-four-hour period, no pharmacist, intern pharmacist, or registered pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as: a) the sole active ingredient; or b) one (1) of the active ingredients of a combination drug; or c) a combination of any of the products specified in items a) and b) of this Subsection; in any total amount greater than three and six-tenths (3.6) grams without regard to the number of transactions.

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36. Note: Under certain circumstances this offense can be a felony under state law.

37. State Law Reference: For similar statutory provisions and the elements setting the levels of this offense, see §§195.010, 195.017 and 579.015, RSMo.

38. Note: Under certain circumstances this offense can be a felony under state law.

39. State Law Reference: For similar statutory provisions and the elements setting the levels of this offense, see §§195.010, 195.017 and 579.015, RSMo.

- D. All packages of any compound, mixture, or preparation containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, except those that are excluded from Schedule V in Subsection 17 or 18 of Section 195.017, RSMo., shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician under Section 195.017, RSMo.
- E. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in this Section in accordance with transmission methods and frequency established by the Department by regulation.
- F. This Section shall not apply to the sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.
- G. All logs, records, documents, and electronic information maintained for the dispensing of these products shall be open for inspection and copying by Municipal, County, and State or Federal Law Enforcement Officers whose duty it is to enforce the controlled substances laws of this State or the United States.
- H. All persons who dispense or offer for sale pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in Subsection 17 or 18 of Section 195.017, RSMo., shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.
- I. The penalty for a knowing or reckless violation of this Section is found in Section 579.060, RSMo.

**Section 210.1820. Limitations on the Retail Sale of Methamphetamine Precursor Drugs.**

- A. The retail sale of methamphetamine precursor drugs shall be limited to:
  - 1. Sales in packages containing not more than a total of three (3) grams of one (1) or more methamphetamine precursor drugs calculated in terms of ephedrine base, pseudoephedrine base and phenylpropanolamine base; and
  - 2. For non-liquid products, sales in blister packs, each blister containing not more than two (2) dosage units, or where the use of blister packs is technically infeasible, sales in unit dose packets or pouches.
- B. The penalty for a knowing violation of Subsection (A) of this Section is found in Section 569.060, RSMo.

**Section 210.1830. Unlawful Possession of Drug Paraphernalia.** <sup>40</sup>

A person commits the offense of unlawful possession of drug paraphernalia if he or she knowingly uses, or possesses with intent to use, drug paraphernalia, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test,

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<sup>40</sup>. Note: Under certain circumstances this offense can be a felony under state law.

analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body, a controlled substance or an imitation controlled substance in violation of Chapter 579, RSMo., or Chapter 195, RSMo.

**Section 210.1840. Inhalation or Inducing Others To Inhale Solvent Fumes to Cause Certain Reactions, Prohibited — Exceptions.**

No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues or induce any other person to do so for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental processes; except that this Section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

**Section 210.1850. Inducing, or Possession With Intent To Induce, Symptoms by Use of Solvents and Other Substances, Prohibited.**

- A. As used in this Section, "alcohol beverage vaporizer" means any device which, by means of heat, a vibrating element, or any method, is capable of producing a breathable mixture containing one (1) or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both.
- B. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use or abuse of any of the following substances:
  - 1. Solvents, particularly toluol;
  - 2. Ethyl alcohol;
  - 3. Amyl nitrite and its iso-analogues;
  - 4. Butyl nitrite and its iso-analogues;
  - 5. Cyclohexyl nitrite and its iso-analogues;
  - 6. Ethyl nitrite and its iso-analogues;
  - 7. Pentyl nitrite and its iso-analogues; and
  - 8. Propyl nitrite and its iso-analogues.
- C. This Section shall not apply to substances that have been approved by the United States Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.

- D. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of using it in the manner prohibited by Section 210.1840 and this Section.
- E. No person shall possess or use an alcoholic beverage vaporizer.
- F. Nothing in this Section shall be construed to prohibit the legal consumption of intoxicating liquor.

**Section 210.1860. Possession or Purchase of Solvents To Aid Others in Violations, Prohibited — Violations of Sections 210.1840 to 210.1850 — Penalty. <sup>41</sup>**

- A. No person shall intentionally possess or buy any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of inducing or aiding any other person to violate the provisions of Sections 210.1840 and 210.1850 hereof.
- B. Any person who violates any provision of Sections 210.1840 through 210.1860 is guilty of an ordinance violation for the first violation.

**Section 210.1870. Regulating the Possession, Distribution and Display of Certain Substances.**

- A. *Definitions.* For the purposes of this Section, the following terms shall have the meanings ascribed to them below:

CANNABIMIMETIC AGENTS — Unless specifically exempted, any material, compound, mixture or preparation which contains any quantity of cannabimimetic agents, their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation. As used in this Section, cannabimimetic agents mean:

- 1. Any substance that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within the following structural classes:
  - a. 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not further substituted on the cyclohexyl ring to any extent;
  - b. 3-(1-naphthoyl)indole or 3-(1-naphthyl)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;

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<sup>41</sup>. Note: Under certain circumstances this offense can be a felony under state law.

- c. 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;
  - d. 1-(1-naphthylmethyl)indene by substituted of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent; or
  - e. 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted the phenyl ring to any extent.
2. Any substance which includes any one (1) or more of the following chemicals:
- a. CP 47,497; 5-(1,1-dimethylheptyl)-2-[(R,3S)-3-hydroxycyclohexyl]-phenol;
  - b. Cannabicyclohexanol; 5-(1,1-dimethyloctyl)-2[(1R,3S)-3-hydroxycyclo-hexyl]-phenol;
  - c. HU-210; [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl 1-3-(2-methyloctan-2-yl)-6a,7,10, 10a-tetrahydrobenzo[c] chromen-1-ol)];
  - d. HU-211  
dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyl-octan-2-yl)-6a,7,10, 10a-tetrahydrobenzo[c]chromen-1-lo);
  - e. JWH-015; (2-methyl-1-propyl-1-1H-indol-3-yl)-1-naphthalenyl-methanone;
  - f. JWH-018; 1-pentyl-3-(1-naphthoyl)indole;
  - g. JWH-019; 1-hexyl-3-(1-naphthoyl)indole;
  - h. JWH-073; 1-butyl-3-(1-naphthoyl)indole;
  - i. JWH-081; 1-pentyl-3-(1-4-methoxynaphthoyl)indole;
  - j. JWH-122; 1-pentyl-3-(4-methyl-1-naphthoyl)indole;
  - k. JWH-200; 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole;
  - l. JWH-203; 1-pentyl-3-(2-chlorophenylacetyl)indole;
  - m. JWH-250; 1-pentyl-3-(2-methoxyphenylacetyl)indole;
  - n. JWH-398; 1-pentyl-3-(4-chloro-1-naphthoyl)indole;
  - o. AM2201; 1-(5-fluoropentyl)-3-(1-naphthoyl)indole;
  - p. AM694; 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;
  - q. SR-19 and RCS-4; 1-pentyl-3-(4-methoxy-benzoyl)indole; and
  - r. SR-18 and RCS-8; 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole.

**ILLEGAL CHEMICAL PRODUCT** — Any substance which includes any one (1) or more of the following chemicals:

1. Mephradone (4-methylmethcathinine);
2. 4-methyl-alpha-pyrrolidinobutyrophenone;
3. Methylenedioxypropylone or [(MDPV)  
(1-(1,3-Benzodioxol-5-yl)-2-(1-pyrroli-dinyl)-1-pentanone]; and
4. MDAI; 5,6-methylenedioxy-2-aminoindane.

This Section shall apply whether the cannabimimetic agents or illegal chemical products, as herein defined, are described as tobacco, herbs, incense, spice, bath salts, plant food or any blend thereof, regardless of whether the substance is marketed for the purpose of being smoked or ingested.

**PERSON** — An individual, corporation, partnership, wholesaler, retailer or any licensed or unlicensed business.

- B. *Unlawful To Sell, Offer, Gift, Or Display.* It shall be unlawful for any person to sell, offer to sell, gift, or publicly display for sale any cannabimimetic agent or illegal chemical product.
- C. *Possession Unlawful.* It is unlawful for any person to knowingly possess, inhale or ingest any cannabimimetic agent or illegal chemical product.
- D. *Penalty.* Any person violating Subsections (B) or (C) of this Section shall be guilty of an offense and upon a plea of guilty or finding of guilt shall be subject to the penalty set forth in Section 100.220 of the Code of the City of Stover. A separate offense shall be deemed committed for each sale, offer to sell, gift, or public display for sale.

**Section 210.1880. through Section 210.1960. (Reserved)**

**ARTICLE XII**  
**Offenses Concerning Minors <sup>42</sup>**

**Section 210.1970. Short Title.**

This Article shall be known as the "Ordinance regulating the presence and conduct of minors on streets and public places".

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<sup>42</sup>. Cross Reference: As to alcohol-related offenses involving minors, §600.060.

**Section 210.1980. Definitions.**

For the purposes of this Article, the following terms, phrases, words and their derivations 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 include the plural number. The word "*shall*" is always mandatory and not merely directory.

**CUSTODIAN** — Any person over the age of twenty-one (21) years who is in loco parentis to a juvenile.

**GUARDIAN** — Any person, other than a parent, who has legal guardianship of a minor.

**MINOR** — Any person under the age of seventeen (17) years.

**PARENT** — The natural or adoptive parent of a minor.

**PUBLIC PLACE** — Any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment or other lawful purpose. A public place shall include, but not be limited to, any store, shop, restaurant, tavern, cafe, drug store, poolroom and any other place devoted to amusement, entertainment or service of the general public.

**Section 210.1990. Curfew for Minors.**

It shall be unlawful for any minor to remain, idle, wander, stroll or play in any public place either on foot or to cruise about without a set destination in any vehicle in, about or upon any place in the City of Stover between the hours of 10:00 P.M. and 6:00 A.M. Sunday through Thursday and between the hours of 11:00 P.M. and 6:00 A.M. Friday through Saturday, unless accompanied by a parent, guardian, custodian or other adult person having the custody or control of such minor or unless the minor is on an emergency errand or specific business or activity directed or permitted by his/her parent, guardian, custodian or other adult person having the custody of such minor or where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation.

**Section 210.2000. Special Functions.**

Any minor attending a special function or entertainment of any church, school, club or other such organization that requires such minor to be out at a later hour than that called for in this Article shall be exempt from the provision of this Article provided the church, school, club or other organization shall notify in advance the City Clerk, Chief of Police or the designate of the Chief of Police to have the minors stay out to this later hour. The organization shall state when the function or entertainment shall end and the minors who attend the function shall be required to be in their homes or usual places of abode within one (1) hour after the function is ended.

**Section 210.2010. Parents' Responsibility.**

- A. Whenever a minor shall be arrested or detained for the commission of any criminal act within the City, the Police Department shall, as soon as possible thereafter, deliver written notice to the minor's parent of the arrest or detention, and such notice shall advise the parent of his/her responsibility under this Section. The notice shall be in such a form as to be signed by the notified parent signifying receipt thereof. If the parent refuses to sign said notice, the notifying Police Officer shall indicate such refusal on the notice.
- B. No parent shall fail to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit any criminal act. Written parental notice as defined in Subsection (A) of this Section shall be prima facie evidence of parental neglect if the minor commits a second (2nd) or successive violation of any criminal act.
- C. Each violation of the provisions of this Section shall constitute a separate ordinance violation. Any person who shall violate this Section shall be subject to imprisonment for not more than ninety (90) days and/or a fine of not less than one hundred dollars (\$100.00) for the first (1st) violation, not less than two hundred dollars (\$200.00) for a second (2nd) violation, and not less than five hundred dollars (\$500.00) for any successive violation. In addition, the court may, as a condition of any probation granted to any parent found guilty of violating Subsection (B) of this Section, order the defendant to make restitution to any person who has been damaged by the misconduct of the minor in an amount not to exceed two thousand dollars (\$2,000.00).

**Section 210.2020. Penalties.**

- A. If a minor is in violation for the first (1st) time of this Article, the Stover Police Department shall contact or make a diligent effort to contact the parent, guardian, custodian or other adult person having the custody and control of the minor and hold said minor for a period of no more than one (1) hour for the parent, guardian, custodian or other adult person having the custody and control of the minor to regain custody and control of such minor. At the end of the elapsed time of one (1) hour, the Stover Police Department shall contact the juvenile authorities of Morgan County and relinquish custody of said minor to the juvenile authorities. The custody of any minor in violation of this Article for the second (2nd) time shall immediately be remanded to the juvenile authorities of Morgan County, Missouri. Any minor violating this Article shall be dealt with in accordance with juvenile court law and procedure.
- B. Any parent, guardian, custodian or other person having the custody or control of a minor in violation of this Article for the second (2nd) time shall be guilty of a misdemeanor and be fined in accordance with the ordinances of the City of Stover for a misdemeanor, said fine not to exceed five hundred dollars (\$500.00).

**Section 210.2030. through Section 210.2090. (Reserved)**

## ARTICLE XIII

**Offenses Concerning Tobacco, Alternative Nicotine Products or Vapor Products****Section 210.2100. Definitions.**

For purposes of this Article, the following definitions shall apply:

**ALTERNATIVE NICOTINE PRODUCT** — Any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved or ingested by any other means. "Alternative nicotine product" does not include any vapor product, tobacco product or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.<sup>43</sup>

**CENTER OF YOUTH ACTIVITIES** — Any playground, school or other facility, when such facility is being used primarily by persons under the age of eighteen (18) for recreational, educational or other purposes.

**DISTRIBUTE** — A conveyance to the public by sale, barter, gift or sample.

**MINOR** — A person under the age of eighteen (18).

**PROOF OF AGE** — A driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

**ROLLING PAPERS** — Paper designed, manufactured, marketed or sold for use primarily as a wrapping or enclosure for tobacco which enables a person to roll loose tobacco into a smokeable cigarette.

**SAMPLE** — A tobacco product, alternative nicotine product or vapor product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.

**SAMPLING** — The distribution to members of the general public of tobacco product, alternative nicotine product or vapor product samples.

**TOBACCO PRODUCTS** — Any substance containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco, but does not include alternative nicotine products or vapor products.

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

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43. Editor's Note: See 21 U.S.C. § 351 et seq.

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

**Section 210.2105. No Tobacco Sales to Minors — Alternative Nicotine Products, Vapor Products and Nicotine Liquid Containers — Sale to Minors Prohibited.**

- A. Any person or entity who sells tobacco products, alternative nicotine products, or vapor products shall deny the sale of such tobacco products to any person who is less than eighteen (18) years of age.
- B. Any person or entity who sells or distributes tobacco products, alternative nicotine products, or vapor products by mail or through the Internet in this State in violation of Subsection (A) of this Section shall be assessed a fine of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for each subsequent violation.
- C. Alternative nicotine products and vapor products shall only be sold to persons eighteen (18) years of age or older, shall be subject to local and State sales tax, but shall not be otherwise taxed or regulated as tobacco products.
- D. *Nicotine Liquid Containers — Regulations.*
  - 1. Any nicotine liquid container that is sold at retail in this State shall satisfy the child-resistant effectiveness standards set forth in 16 CFR 1700.15(b) as in effect on the effective date of this Section when tested in accordance with the method described in 16 CFR 1700.20 as in effect on the effective date of this Section.
  - 2. For the purposes of this Subsection, “nicotine liquid container” shall mean a bottle or other container of liquid or other substance containing nicotine if the liquid or substance is sold, marketed, or intended for use in a vapor product. A “nicotine liquid container” shall not include a liquid or other substance containing nicotine in a cartridge that is sold, marketed, or intended for use in a vapor product, provided that such cartridge is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.
  - 3. Any person who engages in retail sales of liquid nicotine containers in this State in violation of this Subsection shall be assessed a fine of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for each subsequent violation.
  - 4. The Department of Health and Senior Services may adopt rules necessary to carry out the provisions of this Subsection. Any rule or portion of a rule, as that term is defined in Section 536.010, RSMo., that is created under the authority delegated in that Section shall become effective only if it complies with and is subject to all of the provisions of Chapter 536, RSMo., and, if applicable, Section 536.028, RSMo. This Section and Chapter 536, RSMo., are non-severable, and if any of the powers vested with the General Assembly under Chapter 536, RSMo., to review, to delay the effective date, or to disapprove and annul a rule are subsequently held

unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void.

5. The provisions of this Subsection and any rules adopted hereunder shall be null, void, and of no force and effect upon the effective date of the final regulations issued by the Federal Food and Drug Administration or from any other Federal agency if such regulations mandate child-resistant effectiveness standards for nicotine liquid containers.

**Section 210.2110. Unlawful To Sell or Distribute Tobacco Products, Alternative Nicotine Products or Vapor Products to Minors — Vending Machine Requirements.**

- A. It shall be unlawful for any person to sell, provide or distribute tobacco products, alternative nicotine products or vapor products to persons under eighteen (18) years of age.
- B. All vending machines that dispense tobacco products, alternative nicotine products or vapor products shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than eighteen (18) years of age from purchasing any tobacco product, alternative nicotine product or vapor product from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where persons less than eighteen (18) years of age are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this Subsection shall be subject to the penalties contained in Subsection (D) of this Section. A determination of non-compliance may be made by a local law enforcement agency or the Division of Alcohol and Tobacco Control. Nothing in this Section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.
- C. No person or entity shall sell, provide or distribute any tobacco product, alternative nicotine product or vapor product or rolling papers to any minor or sell any individual cigarettes to any person in this State. This Subsection shall not apply to the distribution by family members on property that is not open to the public.
- D. Any person, including, but not limited to, a sales clerk, owner or operator, who violates Subsection (A), (B) or (C) of this Section or Section 210.2140 of this Article shall be penalized as follows:
  1. For the first offense, twenty-five dollars (\$25.00);
  2. For the second offense, one hundred dollars (\$100.00); and
  3. For a third and subsequent offense, two hundred fifty dollars (\$250.00).

- E. Any owner of the establishment where tobacco products, alternative nicotine products or vapor products are available for sale who violates Subsection (C) of this Section shall not be penalized pursuant to this Section if such person documents the following:
1. An in-house or other tobacco compliance employee training program was in place to provide the employee with information on the State and Federal regulations regarding sales of tobacco products, alternative nicotine products or vapor products to minors. Such training program must be attended by all employees who sell tobacco products, alternative nicotine products or vapor products to the general public;
  2. A signed statement by the employee stating that the employee has been trained and understands the State laws and Federal regulations regarding the sale of tobacco to minors products, alternative nicotine products or vapor products; and
  3. Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety (90) minutes in length, established by the Division of Alcohol and Tobacco Control.
- F. The exemption in Subsection (E) of this Section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products, alternative nicotine products or vapor products are available for sale if:
1. Four (4) or more violations per location of Subsection (C) of this Section occur within a one-year period; or
  2. Such person knowingly violates or knowingly allows his/her employees to violate Subsection (C) of this Section.
- G. If a sale is made by an employee of the owner of an establishment in violation of this Article, the employee shall be guilty of an offense established in Subsections (A), (B) and (C) of this Section. If a vending machine is in violation of Section 210.2140, the owner of the establishment shall be guilty of an offense established in Subsections (C) and (D) of this Section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subsections (C) and (D) of this Section.
- H. A person cited for selling, providing or distributing any tobacco product, alternative nicotine product or vapor product to any individual less than eighteen (18) years of age in violation of Subsection (A), (B) or (C) of this Section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older.
- I. Any person adversely affected by this Section may file an appeal with the Administrative Hearing Commission which shall be adjudicated pursuant to the procedures established in Chapter 621, RSMo.

**Section 210.2120. Minors Prohibited From Purchase or Possession of Tobacco Products, Alternative Nicotine Products or Vapor Products — Misrepresentation of Age.**

- A. No person less than eighteen (18) years of age shall purchase, attempt to purchase or possess cigarettes, tobacco products, alternative nicotine products or vapor products unless such person is an employee of a seller of cigarettes, tobacco products, alternative nicotine products or vapor products and is in such possession to effect a sale in the course of employment or an employee of the Division of Alcohol and Tobacco Control for enforcement purposes pursuant to Subsection (5) of Section 407.934, RSMo.
- B. Any person less than eighteen (18) years of age shall not misrepresent his/her age to purchase cigarettes, tobacco products, alternative nicotine products or vapor products.
- C. Any person who violates the provisions of this Section shall be penalized as follows:
  - 1. For the first violation, the person is guilty of an infraction and shall have any cigarettes, tobacco products, alternative nicotine products or vapor products confiscated;
  - 2. For a second violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes, tobacco products, alternative nicotine products or vapor products confiscated and shall complete a tobacco education or smoking cessation program, if available.

**Section 210.2130. Retail Sales Tax License Required for Sale of Tobacco Products, Alternative Nicotine Products or Vapor Products.**

No person shall sell cigarettes, tobacco products, alternative nicotine products or vapor products unless the person has a retail sales tax license.

**Section 210.2140. Required Sign Stating Violation of State Law To Sell Tobacco Products, Alternative Nicotine Products or Vapor Products to Minors Under Age 18 — Display of Sign Required, Where.**

- A. The owner of an establishment at which tobacco products, alternative nicotine products, vapor products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products, alternative nicotine products, vapor products are sold and on every vending machine where tobacco products, alternative nicotine products, vapor products are purchased a sign that shall:
  - 1. Contain in red lettering at least one-half (1/2) inch high on a white background the following:

IT IS A VIOLATION OF STATE LAW FOR CIGARETTES, OTHER TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS TO BE SOLD OR OTHERWISE PROVIDED TO ANY PERSON UNDER THE AGE OF EIGHTEEN OR FOR SUCH PERSON TO PURCHASE, ATTEMPT TO PURCHASE OR POSSESS CIGARETTES, OTHER TOBACCO

PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS; and

2. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle and the words "Under 18."

**Section 210.2150. Restrictions on Sales of Individual Packs of Cigarettes.**

- A. No person or entity shall sell individual packs of cigarettes or smokeless tobacco products unless such packs satisfy one (1) of the following conditions prior to the time of sale:
  1. It is sold through a vending machine; or
  2. It is displayed behind the checkout counter or it is within the unobstructed line of sight of the sales clerk or store attendant from the checkout counter.

**Section 210.2160. Proof of Age Required, When Defense to Action for Violation Is Reasonable Reliance on Proof — Liability.**

- A. A person or entity selling tobacco products, alternative nicotine products or vapor products or rolling papers or distributing tobacco product, alternative nicotine product or vapor product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).
- B. The operator's or chauffeur's license issued pursuant to the provisions of Section 302.177, RSMo., or the operator's or chauffeur's license issued pursuant to the laws of any State or possession of the United States to residents of those States or possessions, or an identification card as provided for in Section 302.181, RSMo., or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the Division of Alcohol and Tobacco Control or any owner or employee of an establishment that sells tobacco products, alternative nicotine products or vapor products for the purpose of aiding the registrant, agent or employee to determine whether or not the person is at least eighteen (18) years of age when such person desires to purchase or possess tobacco products, alternative nicotine products or vapor products procured from a registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.
- C. Any person who shall, without authorization from the Department of Revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of an ordinance violation.
- D. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of Subsections (A), (B) and (C) of Section

210.2110 of this Article. No person shall be liable for more than one (1) violation of Subsections (B) and (C) of Section 210.2110 on any single day.

**Section 210.2170. through Section 210.2200. (Reserved)**

ARTICLE XIV  
**Offenses Concerning Parks**

**Section 210.2210. Park Regulations.**

- A. It is hereby declared unlawful to drive or operate or park any motor vehicle at any location in the Stover Memorial Park other than on the existent streets thereof or in the designated parking areas thereof.
- B. It is hereby declared unlawful for any person to destroy or to damage any buildings, improvements or fixtures now or hereafter installed in the Stover Memorial Park.
- C. It is hereby declared unlawful for any persons to use any facilities of the Stover Memorial Park or to be present upon the grounds of said Memorial Park after the hours of 10:00 P.M. Provided however, that this Section shall not apply to any persons possessing written authorization from the Stover Park Board for the use of said park for organized activities nor shall this Section apply to persons using said overnight facilities now existent in said Stover Memorial Park.

**Section 210.2220. Prohibitions Upon Asphalt Walking Trail.**

**[Ord. No. 866, 7-23-2019<sup>44</sup>]**

Except as authorized by the City, it is hereby declared unlawful for any person to operate any type of motorized powered vehicles, bicycles, skateboards, roller skates, inline skates, and any other type of wheeled or non-wheeled toy, at any time upon the asphalt walking trail heretofore constructed by the City in the Stover Memorial Park.

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<sup>44</sup>. Editor's Note: Ord. o 866 also changed the title of this Section from "Motorized Vehicles Upon Asphalt Walking Trail Prohibited — Penalty" to "Prohibitions Upon Asphalt Walking Trail."



## **Chapter 215**

### **NUISANCES**

#### **ARTICLE I Generally**

##### **Section 215.010. Nuisances Affecting Health.**

#### **ARTICLE II Abandoned Property**

##### **Section 215.020. Definitions.**

##### **Section 215.030. Abandoned Vehicles or Trailers Prohibited.**

##### **Section 215.040. Open Storage of Inoperable Vehicles or Public Safety Hazards Prohibited.**

##### **Section 215.050. Obstructing the Flow of Traffic Prohibited.**

##### **Section 215.060. Towing of Abandoned Property on Public Real Property.**

##### **Section 215.070. Towing of Abandoned Property on Private Real Property.**

##### **Section 215.080. General Provisions and Procedures.**

##### **Section 215.090. Maximum Charges.**

##### **Section 215.100. Sale of Abandoned Property by City.**

#### **ARTICLE III Weeds, High Grass or Other Vegetation**

##### **Section 215.110. Debris on Property — Effect of Failure to Remove Nuisance — Penalties.**

##### **Section 215.120. Maintenance of High Weeds/Grass Abutting Public Right-Of-Way or Easements.**

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Cross References — As to dangerous buildings as a nuisance, ch. 500; as to prostitution houses deemed a nuisance, §210.465.

#### **ARTICLE I Generally**

##### **Section 215.010. Nuisances Affecting Health.**

A. The following are declared to be nuisances affecting health:

1. All decayed or unwholesome food offered for sale to the public or offered to the public at no charge.
2. All diseased animals running at large.
3. All ponds or pools of stagnant water.
4. Carcasses of dead animals not buried or destroyed within twenty-four (24) hours after death.

5. Accumulations, wheresoever they may occur, of manure, rubbish, garbage, refuse and human and industrial, noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes.
6. Garbage cans which are not fly-tight, that is, garbage cans which do not prevent the entry of flies, insects and rodents.
7. The pollution of any well, cistern, spring, underground water, stream, lake, canal or body of water by sewage or industrial wastes or other substances harmful to human beings.
8. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities, or the presence of any gas, vapor, fume, smoke, dust or any other toxic substance on, in or emitted from the equipment of any premises in quantities sufficient to be toxic, harmful or injurious to the health of any employee or to any premises, occupant or to any other person.
9. Common drinking cups, roller towels, combs, brushes or eating utensils in public or semi-public places where not properly sanitized after use.
10. Any vehicle used for septic tank cleaning which does not meet the requirements of this Chapter of the Code of Ordinances of the City of Stover.
11. Any vehicle used for garbage or rubbish disposal which is not equipped with a watertight metal body and provided with a tight metal cover or covers and so constructed as to prevent any of the contents from leaking, spilling, falling or blowing out of such vehicle at any time, except while being loaded, or not completely secured and covered so as to prevent offensive odors from escaping therefrom or exposing any part of the contents at any time.
12. Any and all infestations of flies, fleas, roaches, lice, ticks, rats, mice, fly maggots, mosquito larvae and hookworm larvae.
13. The keeping of animals and fowls in any area within the City not zoned for agricultural uses except pet cats and dogs, animals in public or licensed zoos, and farm animals in laboratories.
14. Unlicensed dumps and licensed dumps not operated or maintained in compliance with the ordinances of the City of Stover and the Statutes of the State of Missouri.
15. No person shall discharge or cause to be discharged into a stormwater system any waste materials, liquids, vapor, fat, gasoline, benzene, naphtha, oil or petroleum product, mud, straw, lawn clippings, tree limbs or branches, metal or plastic objects, rags, garbage or any other substance which is capable of causing an obstruction to the flow of the storm system or interfere with the proper operation of the system or which will pollute the natural creeks or waterways.
16. All other acts, practices, conduct, business, occupation callings, trades, uses of property and all other things detrimental or certain to be detrimental to the health of the inhabitants of the City of Stover.

- B. *Unlawful To Cause, Maintain Within City Or One-Half Mile Thereof.* It is unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any occupied lot or land or any part thereof in the City of Stover or within one-half (½) mile of the corporate limits of the City of Stover, Missouri, to cause, permit or maintain a nuisance on any such lot or land. Additionally, it is unlawful for any person or his/her agent, servant, representative or employee to cause or maintain a nuisance on the land or property of another with or without permission. Each day that a nuisance shall be maintained is a separate offense.
- C. *Authority To Abate Emergency Cases.* In cases where it reasonably appears that there is an immediate danger to the health, safety or welfare of the public due to the existence of a nuisance, the City shall have authority to immediately abate the nuisance in an appropriate manner.
- D. *Abatement — Procedure Generally.* Whenever the Board of Aldermen receives notification that a nuisance may exist, it shall proceed as follows, except as may be otherwise provided herein:
1. *It shall investigate the same.* The Board may order any person who has caused or is maintaining the nuisance to appear before the Board at such time and place as the Board may direct to show cause, if any, why that person should not abate the nuisance. Every person required to appear before the Board shall have at least ten (10) days' notice thereof.
  2. Such notice shall be signed by the Health Officer or Chief of Police and shall be served upon that person by delivering a copy thereof to the person, or by leaving a copy at his/her residence with some member of the family or household over fifteen (15) years of age, or upon any corporation by delivering the copy thereof to the President or to any other officer at any business office of the corporation within the City. If the notice cannot be given for the reason that the person named in the notice or his/her agent cannot be found in the City, of which fact the return upon such notice of the officer serving the same shall be conclusive evidence, such notice shall be published in a daily newspaper for three (3) consecutive days, if a daily, or once, if a weekly paper, giving at least ten (10) days' notice from the final publication date of the time fixed for the parties to appear before the Board.
  3. If after hearing all the evidence the Board of Aldermen may determine that a nuisance exists, it may direct the Health Officer or Chief of Police or other City Official to order the person to abate the nuisance within twenty (20) days or within such other time as the Board may deem reasonable. Such order shall be served in the manner provided in this Section for service of the order to show cause. The order may further provide that the appropriate City Official be directed to abate the nuisance if the order is not obeyed within the time period set by the Board, and that a special tax bill be issued for the costs of abating the nuisance.
  4. If the order has not been obeyed within the time period set by the Board, the appropriate City Official shall proceed to abate the nuisance in the manner provided by the order of the Board, and the cost of same, if ordered by the Board, may be assessed as a special tax against the property so improved or upon which

such work was done; and, if so ordered, the City Clerk shall cause a special tax bill therefor against the owner thereof when known, and if not known then against the unknown persons, and the certified bills of such assessment shall describe therein the property upon which the work was done.

5. The bills for the above work shall be recorded and shall be collected and paid as provided for the collection of other special tax bills for the repairing of sidewalks or grading or paving of streets and shall be a lien on the property.
6. The cost of abating nuisances on private property shall be levied and assessed on each lot in proportion to the amount of work done and material used in abating the nuisance located on each such lot.

## ARTICLE II Abandoned Property

### Section 215.020. Definitions. <sup>1</sup>

As used in this Article, the following terms shall have the meanings set out herein:

**ABANDONED PROPERTY** — Any unattended or unlicensed motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in this Article, whether or not operational. For any vehicle towed from the scene of an accident at the request of law enforcement and not retrieved by the vehicle's owner within five (5) days of the accident, the agency requesting the tow shall be required to write an abandoned property report or a criminal inquiry and inspection report.

**PERSON** — Any natural person, corporation or other legal entity.

**RIGHT-OF-WAY** — The entire width of land between the boundary lines of a public road or State highway, including any roadway.

**ROADWAY** — That portion of a public road or State highway ordinarily used for vehicular travel, exclusive of the berm or shoulder.

**TOWING COMPANY** — Any person or entity which tows, removes or stores abandoned property.

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

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1. State Law Reference — For similar provisions, RSMo. §304.001.

**Section 215.030. Abandoned Vehicles or Trailers Prohibited. <sup>2</sup>**

No person shall abandon any motor vehicle or trailer on the right-of-way of any public road or State highway or on any private real property owned by another without his/her consent.

**Section 215.040. Open Storage of Inoperable Vehicles or Public Safety Hazards Prohibited. <sup>3</sup>**

**[Ord. No. 760 §1, 5-29-2008]**

- A. The open storage of inoperable or unlicensed vehicles or other vehicles deemed by the City to constitute a public safety hazard is prohibited. Nothing in this Section shall apply to a vehicle which is completely enclosed within a locked building or locked fenced area and not visible from adjacent public or private property, nor to any vehicle upon the property of a business licensed as salvage, swap, junk dealer, towing or storage facility so long as the business is operated in compliance with its business license and the property is in compliance with applicable zoning ordinances.
- B. Open storage of one (1) or more vehicles contrary to the proceeding Subsection is hereby declared to be a public nuisance.
- C. When a public nuisance as described above exists, the Chief of Police shall so declare and give written notice to the owner of the property by personal service, certified mail, if otherwise unsuccessful, by publication. Such notice shall, at a minimum:
  - 1. Declare that a public nuisance exists;
  - 2. Describe the condition which constitutes such nuisance;
  - 3. Order the removal or abatement of such condition within seven (7) days from the date of service of such notice;
  - 4. Inform the owner that he/she may file a written request for a hearing before the Municipal Judge on the question of whether a nuisance exists upon such property.
- D. *Violation Is An Offense.* An owner who fails to remove a nuisance within seven (7) days of being notified to do so by the notice/abatement order described in Section 215.040 above shall be guilty of an offense and may (at the option of the City) be charged in Municipal Court with the offense of violating this Section and shall be punished as provided in Section 100.220 of this Code.

**Section 215.050. Obstructing the Flow of Traffic Prohibited. <sup>4</sup>**

Except in the case of an accident resulting in the injury or death of any person, the driver of a vehicle which for any reason obstructs the regular flow of traffic on the roadway of any

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2. State Law Reference — For similar provisions, RSMo. §577.080.

3. State Law Reference — For similar provisions, RSMo. §304.159.

4. State Law Reference — For similar provisions, RSMo. §304.151.

public road or State highway shall make every reasonable effort to move the vehicle or have it moved so as not to block the regular flow of traffic. Any person who fails to comply with the requirements of this Section is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).

**Section 215.060. Towing of Abandoned Property on Public Real Property. <sup>5</sup>**

A. Any Law Enforcement Officer, or an official of the City where the City's real property is concerned, may authorize a towing company to remove to a place of safety:

1. Any abandoned property on the right-of-way of:
  - a. Any interstate highway or freeway in an urbanized area of the City left unattended for ten (10) hours, or immediately if a Law Enforcement Officer determines that the abandoned property is a serious hazard to other motorists;
  - b. Any interstate highway or freeway outside of an urbanized area of the City left unattended for forty-eight (48) hours, or after four (4) hours if a Law Enforcement Officer determines that the abandoned property is a serious hazard to other motorists;
  - c. Any State highway, other than an interstate highway or freeway outside of an urbanized area, left unattended for more than forty-eight (48) hours;

provided that commercial motor vehicles referred to in Subdivisions (a — c) not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this Section to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice; or

- d. Any State highway, other than an interstate highway or freeway in an urbanized area, left unattended for more than ten (10) hours.
2. Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal.
3. Any abandoned property which has been abandoned under Section 215.030 herein or Section 577.080, RSMo.
4. Any abandoned property which has been reported as stolen or taken without consent of the owner.

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5. State Law References — For similar provisions, RSMo. §§304.155.1(2005), 304.155.3.

5. Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer is required to take the person into custody and where such person is unable to arrange for the property's timely removal.
  6. Any abandoned property which due to any other State law or City ordinance is subject to towing because of the owner's outstanding traffic or parking violations.
  7. Any abandoned property left unattended in violation of a State law or City ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard.
- B. When the City Police Department authorizes a tow pursuant to this Section in which the abandoned property is moved from the immediate vicinity, it shall complete a crime inquiry and inspection report.
- C. Any City agency other than the City Police Department authorizing a tow under this Section where property is towed away from the immediate vicinity shall report the tow to the City Police Department within two (2) hours of the tow, along with a crime inquiry and inspection report.

**Section 215.070. Towing of Abandoned Property on Private Real Property. <sup>6</sup>**

- A. *Generally.* The City, including the City Police Department, may tow motor vehicles from real property which are deemed a public safety hazard pursuant to Section 215.040 or are derelict, junk, scrapped, disassembled or otherwise harmful to the public health. The City shall perform such tow pursuant to the terms of Section 215.080. When a City agency other than the Police Department authorizes a tow under this Subsection, it shall report the tow to the Police Department within two (2) hours with a crime inquiry and inspection report.
- B. *Towing Authorized By City Police Department.* If a person abandons property on any real property owned by another without the consent of the owner or person in possession of the real property, at the request of the person in possession of the real property, any City Police Officer may authorize a towing company to remove such abandoned property from the property in the following circumstances:
1. The abandoned property is left unattended for more than forty-eight (48) hours; or
  2. In the judgment of a Police Officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.
- C. *Towing Authorized By Real Property Owner, Lessee Or Property Or Security Manager.*
1. The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing

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6. State Law References — For similar provisions, RSMo. §§304.157.1 — 2, 304.157.4 — 9, 304.158.2 — 4, 304.158.8 — 9. (2004)

company to remove abandoned property or property parked in a restricted or assigned area without authorization by a Law Enforcement Officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this Subsection may be made only under any of the following circumstances:

- a. *Sign.* There is displayed, in plain view at all entrances to the property, a sign not less than seventeen (17) by twenty-two (22) inches in size, with lettering not less than one (1) inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four (24) hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property.
  - b. *Unattended on owner-occupied residential property.* The abandoned property is left unattended on owner-occupied residential property with four (4) residential units or less and the owner, lessee or agent of the real property in lawful possession has notified the City Police Department, and ten (10) hours have elapsed since that notification.
  - c. *Unattended on other private real property.* The abandoned property is left unattended on private real property and the owner, lessee or agent of the real property in lawful possession of real property has notified the City Police Department, and ninety-six (96) hours have elapsed since that notification.
2. Pursuant to this Section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a City Police Officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to Section 575.060, RSMo. The report shall be in the form designed, printed and distributed by the Missouri Director of Revenue and shall contain the following:
- a. The year, model, make and abandoned property identification number of the property and the owner and any lienholders, if known;
  - b. A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;
  - c. The license plate or registration number and the State of issuance, if available;
  - d. The physical location of the property and the reason for requesting the property to be towed;

- e. The date the report is completed;
  - f. The printed name, address and telephone number of the owner, lessee or property or security manager in possession of the real property;
  - g. The towing company's name and address;
  - h. The signature of the towing operator;
  - i. The signature of the owner, lessee or property or security manager attesting to the facts that the property has been abandoned for the time required by this Section and that all statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements;
  - j. Space for the name of the law enforcement agency notified of the towing of the abandoned property and for the signature of the Law Enforcement Official receiving the report; and
  - k. Any additional information the Missouri Director of Revenue deems appropriate.
3. Any towing company which tows abandoned property without authorization from the City Police Department pursuant to Subsection (B) of this Section shall deliver a copy of the abandoned property report to the City Police Department. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the City Police Department has the technological capability of receiving such copy and has registered the towing company for such purpose. The report shall be delivered within two (2) hours if the tow was made from a signed location pursuant to Subsection (C)(1)(a) of this Section, otherwise the report shall be delivered within twenty-four (24) hours.
4. The City Police Department, after receiving such abandoned property report, shall record the date on which the abandoned property report is filed with the Police Department and shall promptly make an inquiry into the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The Police Department shall enter the information pertaining to the towed property into the statewide law enforcement computer system and a Police Officer shall sign the abandoned property report and provide the towing company with a signed copy.
5. The City Police Department, after receiving notification that abandoned property has been towed by a towing company, shall search the records of the Missouri Department of Revenue and provide the towing company with the latest owner and lienholder information on the abandoned property, and if the tower has online access to the Department of Revenue's records, the tower shall comply with the requirements of Section 304.155, RSMo. If the abandoned property is not claimed within ten (10) working days, the towing company shall send a copy of the

abandoned property report signed by a Law Enforcement Officer to the Department of Revenue.

6. No owner, lessee or property or security manager of real property shall knowingly authorize the removal of abandoned property in violation of this Section.
  7. Any owner of any private real property causing the removal of abandoned property from that real property shall state the grounds for the removal of the abandoned property if requested by the registered owner of that abandoned property. Any towing company that lawfully removes abandoned property from private property with the written authorization of the property owner or the property owner's agent who is present at the time of removal shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes abandoned property at the direction of the landowner shall be responsible for:
    - a. Any damage caused by the towing company to the property in the transit and subsequent storage of the property; and
    - b. The removal of property other than the property specified by the owner of the private real property from which the abandoned property was removed.
- D. *Damage To Property.* The owner of abandoned property removed from private real property may recover for any damage to the property resulting from any act of any person causing the removal of, or removing, the abandoned property.
- E. *Real Property Owner Liability.* Any owner of any private real property causing the removal of abandoned property parked on that property is liable to the owner of the abandoned property for double the storage or towing charges whenever there has been a failure to comply with the requirements of this Article.
- F. *Written Authorization Required — Delegation Of Authority To Tow.*
1. Except for the removal of abandoned property authorized by the City Police Department pursuant to this Section, a towing company shall not remove or commence the removal of abandoned property from private real property without first obtaining written authorization from the real property owner. All written authorizations shall be maintained for at least one (1) year by the towing company.
  2. General authorization to remove or commence removal of abandoned property at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of abandoned property unlawfully parked within fifteen (15) feet of a fire hydrant or in a fire lane designated by a Fire Department or the State Fire Marshal.
- G. *Towing Company Liability.* Any towing company, or any affiliate of a towing company, which removes, or commences removal of, abandoned property from private property without first obtaining written authorization from the property owner or lessee, or any employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted in Subsection (F) of this Section, is liable to the owner of the property for four (4) times the amount of the towing and storage charges, in addition to any applicable ordinance violation penalty, for a violation of this Section.

**Section 215.080. General Provisions and Procedures. <sup>7</sup>**

- A. *Payment Of Charges.* The owner of abandoned property removed as provided in this Article shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 215.090.
- B. *Crime Inquiry And Inspection Report.* Upon the towing of any abandoned property pursuant to Section 215.060 or under authority of a Law Enforcement Officer or local governmental agency pursuant to Section 215.070, the City Police Department, where it authorized such towing or was properly notified by another governmental agency of such towing, shall promptly make an inquiry with the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system.

If the abandoned property is not claimed within ten (10) working days of the towing, the tower who has online access to the Department of Revenue's records shall make an inquiry to determine the abandoned property owner and lienholder, if any, of record. In the event that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply with the requirements of Subsection (3) of Section 304.156, RSMo. If the towner does not have online access, the City Police Department shall submit a crime inquiry and inspection report to the Missouri Director of Revenue. The City Police Department shall also provide one (1) copy of the report to the storage facility and one (1) copy to the towing company. A towing company that does not have online access to the department's records and that is in possession of abandoned property after ten (10) working days shall report such fact to the City Police Department. The crime inquiry and inspection report shall be designed by the Director of Revenue and shall include the following:

1. The year, model, make and property identification number of the property and the owner and any lienholders, if known;
2. A description of any damage to the property noted by the Law Enforcement Officer authorizing the tow;
3. The license plate or registration number and the State of issuance, if available;
4. The storage location of the towed property;
5. The name, telephone number and address of the towing company;
6. The date, place and reason for the towing of the abandoned property;
7. The date of the inquiry of the National Crime Information Center, any statewide Missouri law enforcement computer system, and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the City Police Department;

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7. State Law References — For similar provisions, RSMo. §§304.155.5 — 6 (2004), 304.155.11 — 12(2004), 304.158.1, 304.158.5, 304.158.7.

8. The signature and printed name of the Law Enforcement Officer authorizing the tow and the towing operator; and
  9. Any additional information the Missouri Director of Revenue deems appropriate.
- C. *Reclaiming Property.* The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.
- D. *Lienholder Repossession.* If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the City Police Department within two (2) hours of the repossession and shall further provide the Police Department with any additional information the Police Department deems appropriate. The City Police Department shall make an inquiry with the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.
- E. *Notice To Owner/Tow Lien Claim.* Any towing company which comes into possession of abandoned property pursuant to this Article and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other State. The towing company shall notify the owner and any lienholder within ten (10) business days of the date of mailing indicated on the notice sent by the Missouri Department of Revenue pursuant to Section 304.156, RSMo., by certified mail, return receipt requested. The notice shall contain the following:
1. The name, address and telephone number of the storage facility;
  2. The date, reason and place from which the abandoned property was removed;
  3. A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;
  4. A statement that the storage firm claims a possessory lien for all such charges;
  5. A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;
  6. A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this Section to contest the propriety of such towing or removal;
  7. A statement that if the abandoned property remains unclaimed for thirty (30) days from the date of mailing the notice, title to the abandoned property will be

transferred to the person or firm in possession of the abandoned property free of all prior liens; and

8. A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.
- F. *Physical Search Of Property.* In the event that the Missouri Department of Revenue notifies the towing company that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the towing company shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed no ownership documents were found and a good faith effort has been made. For purposes of this Section, "*good faith effort*" means that the following checks have been performed by the company to establish the prior State of registration and title:
1. Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a State of possible registration and title;
  2. Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;
  3. Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and
  4. If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.
- G. *Petition In Circuit Court.* The owner of the abandoned property removed pursuant to this Article or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to Subsection (E) of this Section may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Director of Revenue.
- H. *Notice To Owner.* Notice as to the removal of any abandoned property pursuant to this Article shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:
1. The public agency authorizing the removal; or
  2. The towing company, where authorization was made by an owner or lessee of real property.

If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this Section shall include the amount of mileage if available shown on the abandoned property at the time of removal.

- I. *Tow Truck Requirements.* Any towing company which tows abandoned property for hire shall have the towing company's name, City and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.
- J. *Storage Facilities.* Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Article shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property.
- K. *Disposition Of Towed Property.* Notwithstanding the provisions of Section 301.227, RSMo., any towing company who has complied with the notification provisions in Section 304.156, RSMo., including notice that any property remaining unredeemed after thirty (30) days may be sold as scrap property may then dispose of such property as provided in this Subsection. Such sale shall only occur if at least thirty (30) days has passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in Section 304.156, RSMo. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the Director of Revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the Director of Revenue within two (2) weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three (3) years that shall be available for inspection by law enforcement and authorized Department of Revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this Chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in Section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in Section 301.227, RSMo., on vehicles purchased on a bill of sale pursuant to the Section.

#### **Section 215.090. Maximum Charges. <sup>8</sup>**

- A. A towing company may only assess reasonable storage charges for abandoned property towed without the consent of the owner. Reasonable storage charges shall not exceed the charges for vehicles which have been towed with the consent of the owner on a

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8. State Law References — For similar provisions, RSMo. §§304.156.2, 304.158.6, 304.158.10.

negotiated basis. Storage charges may be assessed only for the time in which the towing company complies with the procedural requirements of this Article.

- B. The Board of Aldermen may from time to time establish maximum reasonable towing, storage and other charges which can be imposed by towing and storage companies operating within the City, and which are consistent with this Article and with Sections 304.155 to 304.158, RSMo. Any violation of said established maximum charges shall be deemed a violation of this Section of the Code and shall be punishable pursuant to Section 100.220.
- C. A towing company may impose a charge of not more than one-half (½) of the regular towing charge for the towing of abandoned property at the request of the owner of private real property or that owner's agent pursuant to this Article if the owner of the abandoned property or the owner's agent returns to the abandoned property before it is removed from the private real property. The regular towing charge may only be imposed after the abandoned property has been removed from the property and is in transit.

#### **Section 215.100. Sale of Abandoned Property by City. <sup>9</sup>**

When the City has physical possession of the abandoned property, it may sell the abandoned property in accordance with its established provisions and regulations and may transfer ownership by means of a bill of sale signed by the City Clerk and sealed with the official City Seal. Such bill of sale shall contain the make and model of the abandoned property, the complete abandoned property identification number, and the odometer reading of the abandoned property if available and shall be lawful proof of ownership for any dealer registered under the provisions of Section 301.218, RSMo., or Section 301.560, RSMo., or for any other person.

### **ARTICLE III Weeds, High Grass or Other Vegetation**

#### **Section 215.110. Debris on Property — Effect of Failure to Remove Nuisance — Penalties.**

**[Ord. No. 758 §1, 4-22-2008]**

- A. Any lot or land shall be a public nuisance if it has the presence of debris of any kind including, but not limited to, weed cuttings, cut and fallen trees and shrubs, overgrown vegetation and noxious weeds which are seven (7) inches or more in height, rubbish and trash, lumber not piled or stacked twelve (12) inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, any flammable material which may endanger public safety or any material which is unhealthy or unsafe and declared to be a public nuisance.

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9. State Law Reference — For similar provisions, RSMo. §304.156.

- B. When a public nuisance as described above exists, the Chief of Police shall so declare and give written notice to the owner of the property by personal service, certified mail, if otherwise unsuccessful, by publication. Such notice shall, at a minimum:
1. Declare that a public nuisance exists;
  2. Describe the condition which constitute such nuisance;
  3. Order the removal or abatement of such condition within seven (7) days from the date of service of such notice;
  4. Inform the owner that he/she may file a written request for a hearing before the Municipal Judge on the question of whether a nuisance exists upon such property; and
  5. State that if the owner fails to remove the nuisance within time allowed, or upon failure to pursue the removal of such nuisance without unnecessary delay, the Chief of Police shall cause the condition which constitutes the nuisance to be removed or abated and that the cost of such removal or abatement may be included in a special tax bill or added to the annual real estate tax bill for the property and collected in the same manner and procedure for collecting real estate taxes.
- C. If the owner of such property fails to remove the nuisance within the time allowed, or upon failure to pursue the removal of such nuisance without unnecessary delay, the Chief of Police shall cause the condition which constitutes the nuisance to be removed. If the Chief of Police causes such condition to be removed or abated, the cost of such removal shall be certified to the City Clerk who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the City Collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.
- D. *Violation Is An Offense.* An owner who fails to remove a nuisance within seven (7) days of being notified to do so by the notice/abatement order described in Subsection (B) above shall be guilty of an offense and may (at the option of the City) be charged in Municipal Court with the offense of violating this Section and shall be punished as provided by Section 100.220 of this Code.

**Section 215.120. Maintenance of High Weeds/Grass Abutting Public Right-Of-Way or Easements.**

**[Ord. No. 778 §§1 — 3, 11-16-2009]**

- A. Any owner, lessee or occupant or any agent, servant, representative or employee of such owner, lessee or occupant, having control of any lot of ground or any part of any lot, who shall allow or maintain on any such lot any growth of weeds or grass to a height of

eight (8) inches or more upon conviction thereof shall be deemed guilty of a violation of this Section and subject to penalties as hereinafter provided.

- B. Whenever any private property abuts a public right-of-way or easement belonging to the City of Stover or any public entity and there exists in such right-of-way or easement a lawn or grassy area between the private property line and the mid line of said right-of-way or easement, then such lawn or grassy area shall be considered, for purposes of this Section requiring cutting of grass and weeds, to be a part of the private lot which abuts the right-of-way or easement and it shall be the duty of those responsible under this Section for the maintenance of the private lot to equally maintain the lawn or grassy area within the abutting right-of-way or easement and all of the provisions of this Section shall apply with equal force and effect to said lawn or grassy area.
- C. Any person violating the provisions of this Section shall upon conviction be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.



## **Chapter 220**

### **HUMAN RIGHTS**

#### **ARTICLE I** **Discriminatory Practices**

**Section 220.010. Unlawful Housing Practices.**

**Section 220.020. Discrimination in Commercial Real Estate Loans.**

**Section 220.030. Discrimination in Selling or Renting by Real**

**Estate Agencies Prohibited.**

**Section 220.040. Discrimination in Public Accommodations Prohibited — Exceptions.**

**Section 220.050. Additional Unlawful Discriminatory Practices.**

**Section 220.060. Exemptions.**

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#### **ARTICLE I** **Discriminatory Practices**

**Section 220.010. Unlawful Housing Practices.**

A. It shall be an unlawful housing practice:

1. To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable a dwelling to any person because of race, color, religion, national origin, ancestry, sex, disability or familial status.
2. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, disability or familial status.
3. To make, print or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, national origin, ancestry, sex, disability or familial status, or an intention to make any such preference, limitation or discrimination.
4. To represent to any person because of race, color, religion, national origin, ancestry, sex, disability or familial status that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
5. To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, ancestry, sex, disability or familial status.

6. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:
    - a. That buyer or renter;
    - b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
    - c. Any person associated with that buyer or renter.
  7. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:
    - a. That person;
    - b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
    - c. Any person associated with that person.
- B. For purposes of Sections 220.010, 220.020 and 220.030, discrimination includes:
1. A refusal to permit, at the expense of the person with the disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.
  2. A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.
  3. In connection with the design and construction of covered multi-family dwellings for first (1st) occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:
    - a. The public use and common use portions of such dwellings are readily accessible to and usable by persons with a disability.
    - b. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons with a disability in wheelchairs.
    - c. All premises within such dwellings contain the following features of adaptive design:
      - (1) An accessible route into and through the dwelling;
      - (2) Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;

- (3) Reinforcements in bathroom walls to allow later installation of grab bars; and
  - (4) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- C. As used in Subdivision (3) of Subsection (B) of this Section, the term "*covered multi-family dwelling*" means:
  - 1. Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and
  - 2. Ground floor units in other buildings consisting of four (4) or more units.
- D. Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for people with physical disabilities, commonly cited as "ANSI A117.1", suffices to satisfy the requirements of Subsection (B)(3)(a) of this Section.

**Section 220.020. Discrimination in Commercial Real Estate Loans.**

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance because of race, color, religion, national origin, ancestry, sex, disability or familial status to a person applying therefor for the purpose of purchasing, construction, improving, repairing or maintaining a dwelling, or to discriminate against him/her in fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of the race, color, religion, national origin, ancestry, sex, disability or familial status of such person or of any person associated with him/her in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants or occupants of the dwellings in relation to which such loan or other financial assistance is to be made or given.

**Section 220.030. Discrimination in Selling or Renting by Real Estate Agencies Prohibited.**

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service organization or facility relating to the business of selling or renting dwellings on account of race, color, religion, national origin, ancestry, sex, disability or familial status.

**Section 220.040. Discrimination in Public Accommodations Prohibited — Exceptions.**

- A. All persons within the City of Stover are free and equal and shall be entitled to the full and equal use and enjoyment within this State of any place of public accommodation, as hereinafter defined, without discrimination or segregation on the grounds of race, color, religion, national origin, sex, ancestry or disability.

- B. It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person or to attempt to refuse, withhold from or deny any other person any of the accommodations, advantages, facilities, services or privileges made available in any place of public accommodation as defined in Section 213.010, RSMo., and this Section or to segregate or discriminate against any such person in the use thereof on the grounds of race, color, religion, national origin, sex, ancestry or disability.
- C. The provisions of this Section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association or society or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in Section 213.010, RSMo., and this Section.

**Section 220.050. Additional Unlawful Discriminatory Practices.**

- A. It shall be an unlawful discriminatory practice:
  - 1. To aid, abet, incite, compel or coerce the commission of acts prohibited under this Chapter or to attempt to do so;
  - 2. To retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this Chapter or because such person has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this Chapter;
  - 3. For the City to discriminate on the basis of race, color, religion, national origin, sex, ancestry, age as it relates to employment, disability or familial status as it relates to housing; or
  - 4. To discriminate in any manner against any other person because of such person's association with any person protected by this Chapter.

**Section 220.060. Exemptions.**

- A. Nothing in this Chapter shall be construed to invalidate or limit any law of the State or of the City that requires dwellings to be designed and constructed in a manner that affords persons with disabilities greater access than is required by this Chapter.
- B. Nothing in Sections 220.010, 220.020 and 220.030:
  - 1. Requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
  - 2. Limits the applicability of any reasonable local restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision of said Sections regarding familial status apply with respect to housing for older persons.

3. Shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 195.010, RSMo.
- C. Nothing in this Chapter shall prohibit a religious organization, association or society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this Chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.
- D. Nothing in this Chapter, other than the prohibitions against discriminatory advertising in Subsection (A)(3) of Section 220.010, shall apply to:
  1. The sale or rental of any single-family house by a private individual owner, provided the following conditions are met:
    - a. The private individual owner does not own or have any interest in more than three (3) single-family houses at any one time; and
    - b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this Section applies to only one (1) such sale in any twenty-four (24) month period.
  2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his/her residence.



## Chapter 225

### EMERGENCY MANAGEMENT

#### Section 225.010. Establishment.

#### Section 225.020. Organization.

#### Section 225.030. Functions.

#### Section 225.040. Director.

#### Section 225.050. Scope of Operation.

#### Section 225.060. Mutual-Aid Agreements.

#### Section 225.070. City May Accept Services, Etc.

#### Section 225.080. Oath.

#### Section 225.090. Office Space.

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#### Section 225.010. Establishment.

There is hereby created within and for the City of Stover an emergency management organization to be known as the Stover Emergency Management Organization, which is responsible for the preparation and implementation of emergency functions required to prevent injury and minimize and repair 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 supplements thereto, and the Missouri Emergency Operations Plan adopted thereunder.

#### Section 225.020. Organization.

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

#### Section 225.030. Functions.

The organization shall perform emergency management functions within the City of Stover 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., and supplements thereto.

#### Section 225.040. Director.

- A. The Director will be appointed by the Mayor and shall serve at the pleasure of the Mayor.
- B. The Director shall have direct responsibility for the organization, administration and operations of local emergency management operations, subject to the direction and control of the Mayor or Board of Aldermen.

- C. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Stover Emergency Management Organization.

**Section 225.050. Scope of Operation.**

- A. The City of Stover in accordance with Chapter 44, RSMo., may:
1. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for emergency management purposes; provide for the health and safety of persons, the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State Governments.
  2. Appoint, provide or remove rescue teams, auxiliary fire and Police personnel and other emergency operation teams, units or personnel who may serve without compensation.

**Section 225.060. Mutual-Aid Agreements.**

The Mayor may enter into mutual-aid arrangements or agreements with other public and private agencies within and without the State for reciprocal emergency aid as authorized in Section 44.090, RSMo.

**Section 225.070. City May Accept Services, Etc.**

The Mayor of the City may, with the consent of the Governor, accept services, materials, equipment, supplies or funds gifted, granted or loaned by the Federal Government or an officer or agency thereof for emergency management purposes, subject to the terms of the offer.

**Section 225.080. Oath.**

No person shall be employed or associated in any capacity in the Stover Emergency Management Organization who advocates or has advocated a change by force or violence in the constitutional form of the Government of the United States or in this State or the overthrow of any Government in the United States by force or violence, or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in the Stover Emergency Management Organization shall, before entering upon his/her duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

"I, \_\_\_\_\_, do solemnly swear (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 Stover Emergency Management Organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence."

**Section 225.090. Office Space.**

The Mayor is authorized to designate space in any City-owned or leased building for the Stover Emergency Management Organization.



## **Chapter 230**

### **SOLID WASTE**

**Section 230.010. Definitions.**

**Section 230.020. Solid Waste Storage.**

**Section 230.030. Collection of Solid Waste.**

**Section 230.040. Rules and Regulations.**

**Section 230.050. Prohibited Practices.**

**Section 230.060. Service Charges.**

**Section 230.070. Mayor to Act as Director.**

**Section 230.080. Open Burning.**

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#### **Section 230.010. Definitions.**

**[Ord. No. 330 §1; Ord. No. 611 §1]**

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

**BULKY RUBBISH** — Non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors with the equipment available therefor.

**CITY** — The City of Stover, Missouri.

**COLLECTION** — Removal of solid waste from its place of storage to the transportation vehicle.

**DEMOLITION AND CONSTRUCTION WASTE** — Waste materials from the construction or destruction of residential structures.

**DIRECTOR** — The Director of the Solid Waste Management Program of the City or his/her authorized representative.

**DISPOSABLE SOLID WASTE CONTAINER** — Disposable plastic or paper sacks with a capacity of twenty (20) to thirty-five (35) gallons specifically designed for storage of solid waste.

**DWELLING UNIT** — Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

**GARBAGE** — Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

**HAZARDOUS WASTES** — Including, but not limited to, pathological wastes, explosive wastes, pesticides, pesticide containers, toxic or radioactive materials.

**OCCUPANT** — Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

**PERSON** — Any individual, partnership, corporation, association, institution, City, County, other political subdivision, authority, State agency or institution, or Federal agency or institution.

**REFUSE** — Solid waste.

**SOLID WASTE** — Garbage, refuse and other discarded materials including, but not limited to, solid and semisolid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in Sections 260.360 to 260.432, RSMo., recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting.

**SOLID WASTE DISPOSAL** — The process of discarding or getting rid of unwanted material. In particular, the final deposition of solid waste by man.

#### **Section 230.020. Solid Waste Storage.**

**[Ord. No. 330 §2; Ord. No. 611 §2]**

- A. The occupancy of every dwelling unit producing solid waste within the corporate limits of the City shall provide sufficient and adequate containers from the storage of all solid waste except bulky rubbish and demolition and construction waste to serve each such dwelling unit and to maintain such solid waste containers at all times in good repair.
- B. The occupant of every dwelling unit shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.
- C. Residential solid waste shall be stored in containers of not more than thirty-five (35) gallons nor less than twenty (20) gallons in nominal capacity. Containers shall be leakproof, waterproof and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof.

#### **Section 230.030. Collection of Solid Waste.**

**[Ord. No. 330 §3; Ord. No. 611 §3]**

- A. The City shall provide for the collection of all solid waste in the City; provided however, that the City may provide the collection service by contracting with a person, County or other City or a combination thereof for the entire City or portions thereof as deemed to be in the best interests of the City.
- B. All solid waste from premises to which collection services are provided by the City shall be collected, except bulky rubbish as defined herein. All solid waste collected shall, upon

being loaded into transportation equipment, become the property of the collection agency.

- C. Any solid waste permitted by this Chapter to be placed at the curb for collection shall not be so placed until the regularly scheduled collection day.
- D. Bulky rubbish shall be collected by request to the Director. The Director shall establish the procedure for collecting bulky rubbish.
- E. Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste.
- F. The following collection frequencies shall apply to collections of solid waste within the City: All residential solid waste, other than bulky rubbish, shall be collected weekly.
- G. Residential solid waste shall be stored upon the residential premises. The storage site shall be well drained, fully accessible to collection equipment, public health personnel and fire inspection personnel.
- H. Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, shall be responsible for the collection of solid waste from the point of collection to the transportation vehicle. 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 vehicles by the solid waste collector.
- I. The Director may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the Director and which will meet all local, State and Federal regulations.

#### **Section 230.040. Rules and Regulations.**

##### **[Ord. No. 330 §4; Ord. No. 611 §4]**

- A. The Director is hereby authorized to make, amend, revoke and enforce reasonable and necessary rules and regulations governing, but not limited to:
  - 1. Preparation, drainage and wrapping of garbage deposited in solid waste containers.
  - 2. Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.
  - 3. Identification of solid waste containers and of the covers thereof and of equipment thereto appertaining, if any.
  - 4. Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.

5. Storage of solid waste in solid waste containers.
  6. Sanitation, maintenance and replacement of solid waste containers.
  7. Schedules of and routes for collection and transportation of solid waste.
  8. Collection points of solid waste containers.
  9. Collection, transportation, processing and disposal of solid waste.
  10. Processing facilities and fees for the use thereof.
  11. Disposal facilities and fees for the use thereof.
  12. Records of quantity and type of wastes received at processing and/or disposal facilities.
  13. Handling of special wastes such as toxic wastes, sludge, ashes, agriculture, construction and bulky items.
- B. The City Clerk is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges as hereinafter provided for.
- C. A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the City Clerk of the City.

**Section 230.050. Prohibited Practices.**

**[Ord. No. 330 §8; Ord. No. 611 §5]**

- A. It shall be unlawful for any person to:
1. Deposit solid waste with any solid waste other than his/her own with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal;
  2. Interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City or those of a solid waste collection agency operating under contract with the City;
  3. Dispose of solid waste at any facility or location which is not approved by the City and the Missouri Department of Natural Resources;
  4. Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without a permit from the City or operate under an expired permit or operate after a permit has been suspended or revoked.

**Section 230.060. Service Charges.**

**[Ord. No. 330 §9; Ord. No. 545 §1, 2-12-1990; Ord. No. 552 §1, 11-13-1990; Ord. No. 611 §6; Ord. No. 634 §1, 2-15-2001; Ord. No. 781 §1, 2-9-2010]**

- A. There is hereby imposed, for the collection and disposal of solid waste, and for the improvement of the general public health and environment, a service charge for each dwelling unit. The service charge for collection of residential solid waste shall be in the amount of ten dollars (\$10.00) per calendar month. The Director shall charge a refundable deposit of ten dollars (\$10.00) for all new customers and all users residing in rental housing before the commencement of trash service. Said deposit shall be refunded or credited to service fees upon termination of service.
- B. 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.
- C. The system of services established by the provisions of this Chapter hereof is designed as an integral part of the City's program 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. In addition to any other penalties provided for herein, the City may enforce collection of such charges by bringing proper legal action against the occupant of any dwelling unit 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.
- D. The service charge herein provided for is hereby imposed upon the occupant of each occupied dwelling unit and the billing therefor 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 a dwelling unit is not serviced by City water and/or sewerage service, or in the absence of information that such person is neither the owner nor the tenant of such dwelling unit, in which event billing therefor shall be made to the owner. Service charges shall be payable to the department empowered to collect service charges imposed by the City.
- E. Billing for the service charge shall be contained in the monthly billing for water and sewer service by the City.
- F. Where water is used by several parties from one (1) connection with the City water main, the City shall contract for trash pickup with only one (1) of the parties who own or manage the private water line for a monthly garbage service charge for each dwelling unit connected to said water line, which party shall be liable to the City for any failure on the part of the other and comply with the provisions of this Chapter. In the event of non-payment of monthly garbage service charges, the City shall have the right to shut off and discontinue trash service to all dwelling units under said contract. The City Clerk shall open an account with the one (1) customer only and shall collect from him/her the entire bill for all garbage service fees.
- G. The City Clerk is authorized in his/her discretion to include all charges for water, sewer and garbage and rubbish collection services chargeable to a single customer on a single bill, stating thereon the current amount for each of the separate services and the total of

such current amounts and stating as a single sum the total of all delinquencies from the three (3) sources combined without itemization.

- H. In the event the City Clerk shall use a single bill as provided hereinabove, and any customer shall pay less than the total amount shown due thereon, the City Clerk, for bookkeeping purposes, shall first apply said sum to the payment of any and all garbage and trash collection service fees and shall prorate the remainder of said payment, if any, among the remainder of the services for which the charges were made. All utility bills issued hereunder shall be due on the tenth (10th) of the month following the issuance of the bill and shall become delinquent if not paid by the twentieth (20th) of the same month. A delinquency in the payment by a customer for water, sewer service or garbage and rubbish collection service shall be construed as failure to pay for the service and the City Clerk, in such a case, is authorized to follow the procedures provided by ordinance for cutting off or terminating said service for failure to pay the charges therefor.

**Section 230.070. Mayor to Act as Director.**

**[Ord. No. 611 §7]**

Until further action by the Board of Aldermen, either by ordinance or by resolution, the Mayor shall act as Director of the Solid Waste Management Program of the City of Stover.

**Section 230.080. Open Burning.**

**[Ord. No. 727 §§1 — 2, 5-15-2006]**

- A. It is hereby declared unlawful for any waste generated by a business, trade, industry or any demolition operation to be burned openly within the City of Stover. This prohibition includes paper, cardboard boxes, pallets, tires, rubber products, hazardous materials, styrofoam, plastics, petroleum-based products and treated wood, as well as any asbestos-containing material.
- B. Household yard wastes originating on premises containing four (4) dwelling units or less may be burned on the same premises, providing however, that materials such as tires or waste oil may not be used to start the fires or be burned in said fires.

## Chapter 235

### FIREWORKS

#### ARTICLE I Generally

#### Section 235.010. Discharge of Fireworks — When.

#### Section 235.020. Fireworks Storage.

#### Section 235.005. Fireworks Defined.

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#### ARTICLE I Generally

#### Section 235.005. Fireworks Defined.

As used in this Chapter, the term "*fireworks*" is defined as any composition or device for producing a visible, audible, or both visible and audible effect by combustion, deflagration, or detonation and that meets the definition of consumer, proximate, or display fireworks as set forth by 49 CFR Part 171 to end, United States Department of Transportation hazardous materials regulations, and American Pyrotechnics Association 87-1 standards.

#### Section 235.010. Discharge of Fireworks — When.

**[Ord. No. 562 §§1 — 2, 11-18-1991; Ord. No. 890, 2-21-2023]**

- A. It is declared unlawful for any person to use, fire, or discharge any fireworks of any type within the City of Stover at any time other than July third (3rd), fourth (4th), fifth (5th), and on New Year's Day, (January 1st) of each year, except as hereinafter provided.
- B. It shall be lawful to fire, discharge or use fireworks as defined herein on July third (3rd), fourth (4th), fifth (5th), of each year only between the hours of 7:00 A.M. and 11:00 P.M. of each said days only, and on New Year's Day, (January 1st) of each year only between hours of 12:00 A.M. and 12:30 A.M. of said day only. During said period of limited use it shall further be unlawful to explode or ignite said fireworks at any of the following locations:
  - 1. Within six hundred (600) feet of any church, hospital, or public school;
  - 2. Within one hundred (100) feet of any location where any fireworks shall be stored or sold;
  - 3. At any location on Second Street between Highway 135 South on the East and Walnut Street on the west or any location with on hundred (100) feet north or south of Second Street, except for those actual residents on said Second Street may be permitted to shoot said fireworks from their back yards only;
  - 4. At any location within one hundred (100) feet of any business location within the City of Stover;

5. From any motor vehicle; or
6. When any ignited article of fireworks is thrown or propelled into or at any motor vehicle or at or near any person or group of persons.

**Section 235.020. Fireworks Storage.**

**[Ord. No. 562 §3, 11-18-1991]**

No person shall store fireworks of any kind within the City limits of Stover, Missouri, unless he/she shall, within thirty (30) days prior to said storage, notify the Fire Chief of the City of Stover of the quantity and location of said storage. Any such person shall further notify the Fire Chief within thirty (30) days after he/she shall cease to store said fireworks. For the purpose of this Section only, "*fireworks*" shall be defined as more than one hundred (100) articles of fireworks.

TITLE III

TRAFFIC CODE



## **Chapter 300**

### **GENERAL PROVISIONS**

#### **Section 300.010. Definitions.**

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#### **Section 300.010. Definitions.**

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

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

**ALLEY or ALLEYWAY** — Any street with a roadway of less than twenty (20) feet in width.

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

**CENTRAL BUSINESS (OR TRAFFIC) DISTRICT** — All streets and portions of streets within the area described by City ordinance as such.

**COMMERCIAL VEHICLE** — Every vehicle designed, maintained or used primarily for the transportation of property.

**CONTROLLED ACCESS HIGHWAY** — Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

**CROSSWALK** —

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

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

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

EMERGENCY VEHICLE — Is a vehicle of any of the following types:

1. A vehicle operated by the State Highway Patrol, the State Water Patrol, the Missouri Capitol Police, or a State Park Ranger, those vehicles operated by enforcement personnel of the State Highways and Transportation Commission, Police or Fire Department, Sheriff, Constable or Deputy Sheriff, Federal Law Enforcement Officer authorized to carry firearms and to make arrests for violations of the laws of the United States, Traffic Officer or Coroner or by a privately owned emergency vehicle company;
2. A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;
3. Any vehicle qualifying as an emergency vehicle pursuant to Section 307.175, RSMo.;
4. Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;
5. Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;
6. Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of Chapter 44, RSMo.;
7. Any vehicle operated by an authorized employee of the Department of Corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;
8. Any vehicle designated to perform hazardous substance emergency functions established pursuant to the provisions of Sections 260.500 to 260.550, RSMo.

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

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

INTERSECTION —

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

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

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

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

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

**OFFICIAL TIME STANDARD** — Whenever certain hours are named herein, they shall mean standard time or daylight-saving time as may be in current use in the City.

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

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

**PASSENGER CURB LOADING ZONE** — A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

**PEDESTRIAN** — Any person afoot.

**PERSON** — Every natural person, firm, co-partnership, association or corporation.

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

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

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

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

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

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

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

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

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

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

**STOP** — When required, complete cessation from movement.

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

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

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

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

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

**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.

## **Chapter 305**

### **TRAFFIC ADMINISTRATION**

**Section 305.010. Records of Traffic Violations.**

**Section 305.020. Police Department to Investigate Accidents.**

**Section 305.030. Traffic Accident Reports.**

**Section 305.040. Driver Files to Be Maintained.**

**Section 305.050. Police Department to Submit Annual Traffic Safety Report.**

**Section 305.060. City Traffic Engineer.**

**Section 305.070. Emergency and Experimental Regulations.**

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#### **Section 305.010. Records of Traffic Violations.**

- A. The Police Department shall keep a record of all violations of the traffic ordinances of the City or of the State vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five (5) year period and from that time on the record shall be maintained complete for at least the most recent five (5) year period.
- B. All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.
- C. All such records and reports shall be public records.

#### **Section 305.020. Police Department to Investigate Accidents.**

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

#### **Section 305.030. Traffic Accident Reports.**

The Police Department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the City Traffic Engineer.

#### **Section 305.040. Driver Files to Be Maintained.**

The Police Department shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

**Section 305.050. Police Department to Submit Annual Traffic Safety Report.**

- A. The Police Department 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 Police Department for future traffic safety activities.

**Section 305.060. City Traffic Engineer.**

- A. The office of City Traffic Engineer is established. The City Engineer or other designated City Official shall serve as City Traffic Engineer in addition to his/her other functions and shall exercise the powers and duties with respect to traffic as provided in this Title.
- B. The City Traffic Engineer shall determine the installation and proper timing and maintenance of traffic control devices, conduct engineering analyses of traffic accidents and devise remedial measures, conduct engineering investigation of traffic conditions, plan the operation of traffic on the streets and highways of the City, and cooperate with other City Officials in the development of ways and means to improve traffic conditions, and carry out the additional powers and duties imposed by ordinances of the City.

**Section 305.070. Emergency and Experimental Regulations.**

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

## **Chapter 310**

### **ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS**

**Section 310.010. Authority of Police and Fire Department Officials.**

**Section 310.020. Obedience to Police and Fire Department Officials.**

**Section 310.030. Persons Propelling Pushcarts or Riding Animals to Obey Traffic Regulations.**

**Section 310.040. Use of Coasters, Roller Skates and Similar Devices Restricted.**

**Section 310.050. Public Employees to Obey Traffic Regulations.**

**Section 310.060. Emergency Vehicles — Use of Lights and Sirens — Right-Of-Way — Stationary Vehicles, Procedure — Penalty.**

**Section 310.070. Sirens and Flashing Lights Emergency Use — Persons Authorized — Violation — Penalty.**

**Section 310.080. Immediate Notice of Accident Within City.**

**Section 310.090. Written Report of Accident.**

**Section 310.100. When Driver Unable to Report.**

**Section 310.110. Leaving the Scene of a Motor Vehicle Accident.**

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#### **Section 310.010. Authority of Police and Fire Department Officials.**

- A. It shall be the duty of the officers of the Police Department or such officers as are assigned by the Chief of Police to enforce all traffic laws of the City and all of the State vehicle laws applicable to traffic in the City.
- B. Officers of the Police Department or such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.
- C. Officers of the Fire Department, when at the scene of an incident, may direct or assist the Police in directing traffic thereat or in the immediate vicinity.

#### **Section 310.020. Obedience to Police and Fire Department Officials.**

No person shall knowingly fail or refuse to comply with any lawful order or direction of a Police Officer or Fire Department official.

**Section 310.030. Persons Propelling Pushcarts or Riding Animals to Obey Traffic Regulations.**

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this Title applicable to the driver of any vehicle, except those provisions of this Title which by their very nature can have no application.

**Section 310.040. Use of Coasters, Roller Skates and Similar Devices Restricted.**

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, skateboard 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.

**Section 310.050. Public Employees to Obey Traffic Regulations.**

The provisions of this Title shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this State, County or City and it shall be unlawful for any said driver to violate any of the provisions of this Title, except as otherwise permitted in this Title.

**Section 310.060. Emergency Vehicles — Use of Lights and Sirens — Right-Of-Way — Stationary Vehicles, Procedure — Penalty.**

- A. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one (1) lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle or a flashing blue light authorized by Section 307.175, RSMo., 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.
- B. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, the driver of every motor vehicle shall:
  - 1. Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or
  - 2. Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.
- C. *Responsibilities Of Driver Of Emergency Vehicle.*

- D. 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.

**Section 310.070. Sirens and Flashing Lights Emergency Use — Persons Authorized — Violation — Penalty.**

Motor vehicles and equipment, not otherwise defined in this Title as an authorized emergency vehicle, 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 City as an emergency vehicle under the provisions of Section 304.022, RSMo., while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and 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 rotating blue lights on a motor vehicle, fire, ambulance or rescue equipment without a valid permit authorizing the use. Permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this Section constitutes an ordinance violation.

**Section 310.080. Immediate Notice of Accident Within City.**

The driver of a vehicle involved in an accident within the City resulting in injury to or death of any person or total property damage to an apparent extent of five hundred dollars (\$500.00) or more to one (1) person shall give or cause to be given notice of such accident to the Police Department as soon as reasonably possible.

**Section 310.090. 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 (\$500.00) or more to one (1) person shall, within five (5) days after such accident, forward a written report of such accident to the Police Department. The provisions of this Section shall not be applicable when the accident has been investigated at the scene by a Police Officer while such driver was present thereat.

**Section 310.100. When Driver Unable to Report.**

- A. Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in Section 310.080 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give or cause to be given the notice not given by the driver.
- B. Whenever the driver is physically incapable of making a written report of an accident as required in Section 310.090 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall, within five (5) days after the accident, make such report not made by the driver.

**Section 310.110. Leaving the Scene of a Motor Vehicle Accident.**

- A. A person commits the offense of leaving the scene of a motor vehicle accident when, being the operator or driver of a vehicle on the highways, streets or roads of the City or on any publicly or privately owned parking lot or parking facility within the City generally open for use by the public and knowing that an injury has been caused to a person or damage has been caused to property due to his/her culpability or to accident, he/she leaves the place of the injury, damage or accident without stopping and giving his/her name, residence, including City and street number, motor vehicle number and driver's license number, if any, to the injured party or to a Police Officer, or if no Police Officer is in the vicinity, then to the nearest Police station or judicial officer.
- B. For the purposes of this Section, all Peace Officers shall have jurisdiction, when invited by an injured person, to enter the premises of any such privately owned parking lot or parking facility for the purpose of investigating an accident and performing all necessary duties regarding such accident.

## Chapter 315

### TRAFFIC CONTROL DEVICES

**Section 315.010. Authority to Install Traffic Control Devices.**

**Section 315.020. Manual and Specifications for Traffic Control Devices.**

**Section 315.030. Obedience to Traffic Control Devices.**

**Section 315.040. When Official Traffic Control Devices Required for Enforcement Purposes.**

**Section 315.050. Official Traffic Control Devices — Presumption of Legality.**

**Section 315.060. Traffic Control Signal Legend — Right Turn on Red Light — When.**

**Section 315.070. Pedestrian Control Signals.**

**Section 315.080. Flashing Signals.**

**Section 315.090. Lane Direction Control Signals.**

**Section 315.100. Display of Unauthorized Signs, Signals or Markings.**

**Section 315.110. Interference With Official Traffic Control Devices or Railroad Signs or Signals.**

**Section 315.120. Authority to Establish Play Streets.**

**Section 315.130. Play Streets.**

**Section 315.140. City Traffic Engineer to Designate Crosswalks and Establish Safety Zones.**

**Section 315.150. Traffic Lanes.**

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#### **Section 315.010. 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/she may deem necessary to regulate traffic under the traffic ordinances of the City or under State law or to guide or warn traffic.

#### **Section 315.020. Manual and Specifications for Traffic Control Devices.**

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

**Section 315.030. Obedience to Traffic Control Devices.**

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

**Section 315.040. When Official Traffic Control Devices Required for Enforcement Purposes.**

No provision of this Title for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular Section does not state that official traffic control devices are required, such Section shall be effective even though no devices are erected or in place.

**Section 315.050. Official Traffic Control Devices — Presumption of Legality.**

- A. Whenever official traffic control devices are placed in position approximately conforming to the requirements of this Title, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
- B. Any official traffic control device placed pursuant to the provisions of this Title and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Title, unless the contrary shall be established by competent evidence.

**Section 315.060. Traffic Control Signal Legend — Right Turn on Red Light — When.**

- A. Whenever traffic is controlled by traffic control signals exhibiting different colored lights or colored lighted arrows, successively one (1) at a time or in combination, only the colors green, red and yellow shall be used except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:
  - 1. *Green indication.*
    - a. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
    - b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic

shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

- c. Unless otherwise directed by a pedestrian control signal as provided in Section 315.070, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

2. *Steady yellow indication.*

- a. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
- b. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in Section 315.070, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

3. *Steady red indication.*

- a. Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown except as provided in paragraph (b) of this Subsection.
- b. The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red signal may cautiously enter the intersection to make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the State Highways and Transportation Commission with reference to an intersection involving a State highway, and local authorities with reference to an intersection involving other highways under their jurisdiction, may prohibit any such right turn against a red signal at any intersection where safety conditions so require, said prohibition shall be effective when a sign is erected at such intersection giving notice thereof.
- c. Unless otherwise directed by a pedestrian control signal as provided in Section 315.070, pedestrians facing a steady red signal alone shall not enter the roadway.

- 4. In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made at the signal.

**Section 315.070. Pedestrian Control Signals.**

- A. Whenever special pedestrian control signals exhibiting the words "*Walk*" or "*Don't Walk*" or appropriate symbols are in place, such signals shall indicate as follows:
1. "*WALK*": Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
  2. "*WAIT*" or "*DON'T WALK*": No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his/her crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.

**Section 315.080. Flashing Signals.**

- A. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:
1. *Flashing red (stop signal)*. When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
  2. *Flashing yellow (caution signal)*. When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
- B. This Section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in Section 335.090 of this Title.

**Section 315.090. 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.

**Section 315.100. Display of Unauthorized Signs, Signals or Markings.**

No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

**Section 315.110. 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.

**Section 315.120. 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.

**Section 315.130. 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.

**Section 315.140. City Traffic Engineer to Designate Crosswalks and Establish Safety Zones.**

A. The City Traffic Engineer is hereby authorized:

1. To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his/her opinion there is particular danger to pedestrians crossing the roadway and at such other places as he/she may deem necessary.
2. To establish safety zones of such kind and character and at such places as he/she may deem necessary for the protection of pedestrians.

**Section 315.150. Traffic Lanes.**

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



## **Chapter 320**

### **SPEED REGULATIONS**

#### **Section 320.010. State Speed Laws Applicable.**

#### **Section 320.040. Slow Speed — Regulations.**

#### **Section 320.020. Regulation of Speed by Traffic Signals.**

#### **Section 320.050. Special Speed Limits on Roadways.**

#### **Section 320.030. General Speed Limit.**

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#### **Section 320.010. State Speed Laws Applicable.**

The State traffic laws regulating the speed of vehicles shall be applicable upon all streets within the City, except that the City may by ordinance declare and determine upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof.

#### **Section 320.020. Regulation of Speed by Traffic Signals.**

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

#### **Section 320.030. General Speed Limit.**

**[Ord. No. 91 §2, 12-11-1934; Ord. No. 178 §1, 2-6-1950; Ord. No. 398 §1, 9-13-1982; Ord. No. 683 §1, 5-17-2004]**

Except where otherwise provided by signs erected pursuant to duly passed and approved ordinances, no person shall operate a vehicle on any street in the City in excess of twenty-five (25) miles per hour.

#### **Section 320.040. Slow Speed — Regulations.**

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

**Section 320.050. Special Speed Limits on Roadways.**

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

## Chapter 325

### TURNING MOVEMENTS

**Section 325.010. Required Position and Method of Turning at Intersection.**

**Section 325.020. Authority to Place and Obedience to Turning Markers.**

**Section 325.030. Authority to Place Restricted Turn Signs.**

**Section 325.040. Obedience to No-Turn Signs.**

**Section 325.050. Limitations on Turning Around.**

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#### **Section 325.010. Required Position and Method of Turning at Intersection.**

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

1. *Right turns.* Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway, except where multiple turn lanes have been established.
2. *Left turns on two-way roadways.* At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right-half of the roadway nearest the centerline thereof and by passing to the right of such centerline 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 centerline of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
3. *Left turns on other than two-way roadways.* At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered, except where multiple turn lanes have been established.
4. *Designated two-way left turn lanes.* Where a special lane for making left turns by drivers proceeding in opposite directions have been indicated by official traffic control devices:
  - a. A left turn shall not be made from any other lane;
  - b. A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law; and

- c. A vehicle shall not be driven in the lane for a distance more than five hundred (500) feet.

**Section 325.020. Authority to Place and Obedience to Turning Markers.**

- A. The City Traffic Engineer is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.
- B. When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

**Section 325.030. Authority to Place Restricted Turn Signs.**

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

**Section 325.040. Obedience to No-Turn Signs.**

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.

**Section 325.050. 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.

## **Chapter 330**

### **ONE-WAY STREETS AND ALLEYS**

#### **Section 330.010. Authority to Sign One-Way Streets and Alleys.**

#### **Section 330.020. One-Way Streets and Alleys.**

#### **Section 330.030. Authority to Restrict Direction of Movement on Streets During Certain Periods.**

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#### **Section 330.010. 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.

#### **Section 330.020. 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.

#### **Section 330.030. Authority to Restrict Direction of Movement on Streets During Certain Periods.**

- A. The City Traffic Engineer is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one (1) direction during one (1) period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The City Traffic Engineer may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway.
- B. It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this Section.



## **Chapter 335**

### **STOP AND YIELD INTERSECTIONS, RAILROAD CROSSINGS**

**Section 335.010. Through Streets Designated.**

**Section 335.020. Signs Required at Through Streets.**

**Section 335.030. Other Intersections Where Stop or Yield Required.**

**Section 335.040. Stop and Yield Signs.**

**Section 335.050. Vehicle Entering Stop Intersection.**

**Section 335.060. Vehicle Entering Yield Intersection.**

**Section 335.070. Emerging From Alley, Driveway or Building.**

**Section 335.080. Stop When Traffic Obstructed.**

**Section 335.090. Obedience to Signal Indicating Approach of Train.**

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#### **Section 335.010. Through Streets Designated.**

Those streets and parts of streets described by ordinances of the City are declared to be through streets for the purposes of Sections 335.010 to 335.090.

#### **Section 335.020. Signs Required at Through Streets.**

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

#### **Section 335.030. Other Intersections Where Stop or Yield Required.**

The City Traffic Engineer is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine whether vehicles shall stop at one (1) or more entrances to any such intersection in which event he/she shall cause to be erected a stop sign at every such place where a stop is required, or whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in Subsection (A) of Section 335.040 in which event he/she shall cause to be erected a yield sign at every place where obedience thereto is required.

**Section 335.040. Stop and Yield Signs.**

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

**Section 335.050. Vehicle Entering Stop Intersection.**

Except when directed to proceed by a Police Officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by Subsection (B) of Section 335.040 and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

**Section 335.060. Vehicle Entering Yield Intersection.**

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

**Section 335.070. Emerging From Alley, Driveway or Building.**

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

**Section 335.080. Stop When Traffic Obstructed.**

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he/she is operating

without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

**Section 335.090. Obedience to Signal Indicating Approach of Train.**

- A. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this Section, the driver of such vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall not proceed until he/she can do so safely. The foregoing requirements shall apply when:
  - 1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
  - 2. A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train; or
  - 3. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
- B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.
- C. No person shall drive a vehicle through a railroad crossing when there is not sufficient space to drive completely through the crossing.
- D. No person shall drive a vehicle through a railroad crossing unless such vehicle has sufficient undercarriage clearance necessary to prevent the undercarriage of the vehicle from contacting the railroad crossing.
- E. Every commercial motor vehicle as defined in Section 302.700, RSMo., shall, upon approaching a railroad grade crossing, be driven at a rate of speed which will permit said commercial motor vehicle to be stopped before reaching the nearest rail of such crossing and shall not be driven upon or over such crossing until due caution has been taken to ascertain that the course is clear. This Section does not apply to vehicles which are required to stop at railroad crossings pursuant to Section 304.030, RSMo.



## Chapter 340

### MISCELLANEOUS DRIVING RULES

<b>Section 340.010. Following Emergency Vehicle Prohibited.</b>	<b>Operation Under an Exception — Prohibited Uses — Penalty.</b>
<b>Section 340.020. Crossing Fire Hose.</b>	
<b>Section 340.030. Funeral Processions.</b>	<b>Section 340.115. Utility Task Vehicles (UTV) And Golf Carts.</b>
<b>Section 340.040. Driving in Procession.</b>	<b>Section 340.120. Riding Bicycles, Sleds, Roller Skates by Attaching to Another Vehicle, Prohibited — Pulling a Rider Behind Vehicle Prohibited.</b>
<b>Section 340.050. When Permits Required for Parades and Processions.</b>	
<b>Section 340.060. Vehicle Shall Not Be Driven on a Sidewalk — Prohibition on Obstruction of Bicycle Lanes — Drivers to Yield to Bicycles in Designated Bicycle Lanes.</b>	<b>Section 340.130. Controlled Access.</b>
<b>Section 340.070. Limitations on Backing.</b>	<b>Section 340.140. Railroad Trains Not to Block Streets.</b>
<b>Section 340.080. Opening and Closing Vehicle Doors.</b>	<b>Section 340.150. Driving Through Safety Zone Prohibited.</b>
<b>Section 340.090. Riding on Motorcycles — Additional Passenger — Requirements.</b>	<b>Section 340.160. Manner of Operation of Motor Vehicles — Careful and Prudent.</b>
<b>Section 340.100. Riding Bicycle on Sidewalks — Limitations — Motorized Bicycles Prohibited.</b>	<b>Section 340.170. Driving to the Right.</b>
<b>Section 340.110. All-Terrain Vehicles — Prohibited — Exceptions —</b>	<b>Section 340.180. Passing Regulations.</b>
	<b>Section 340.190. Hand and Mechanical Signals.</b>
	<b>Section 340.200. Stopping for School Bus.</b>
	<b>Section 340.210. Right-Of-Way at Intersection — Signs at Intersections.</b>
	<b>Section 340.220. Distance at Which Vehicle Must Follow.</b>

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#### **Section 340.010. Following Emergency Vehicle Prohibited.**

The driver of any vehicle other than one on official business shall not follow any emergency vehicle traveling in response to an emergency call closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

**Section 340.020. Crossing Fire Hose.**

No vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street or private driveway to be used at any fire or alarm of fire without the consent of the Fire Department official in command.

**Section 340.030. Funeral Processions.**

A. *Definitions.* As used in this Section, the following terms shall mean:

**FUNERAL DIRECTOR** — A person licensed as a funeral director pursuant to the provisions of Chapter 333, RSMo.

**FUNERAL LEAD VEHICLE or LEAD VEHICLE** — Any motor vehicle equipped with at least one (1) lighted circulating lamp exhibiting an amber or purple light or lens or alternating flashing headlamps visible under normal atmospheric conditions for a distance of five hundred (500) feet from the front of the vehicle. A hearse or coach properly equipped may be a lead vehicle.

**ORGANIZED FUNERAL PROCESSION** — Two (2) or more vehicles accompanying the remains of a deceased person from a funeral establishment, church, synagogue or other place where a funeral service has taken place to a cemetery, crematory or other place of final disposition or a funeral establishment, church, synagogue or other place where additional funeral services will be performed if directed by a licensed funeral director from a licensed establishment.

B. *Driving Rules.*

1. Except as otherwise provided for in this Section, pedestrians and operators of all other vehicles shall yield the right-of-way to any vehicle which is a part of an organized funeral procession.
2. Notwithstanding any traffic control device or right-of-way provision prescribed by State or local law, when the funeral lead vehicle in an organized funeral procession lawfully enters an intersection, all vehicles in the procession shall follow the lead vehicle through the intersection. The operator of each vehicle in the procession shall exercise the highest degree of care toward any other vehicle or pedestrian on the roadway.
3. An organized funeral procession shall have the right-of-way at all intersections regardless of any traffic control device at such intersections, except that operators of vehicles in an organized funeral procession shall yield the right-of-way to any approaching emergency vehicle pursuant to the provisions of law or when directed to do so by a Law Enforcement Officer.
4. All vehicles in an organized funeral procession shall follow the preceding vehicle in the procession as closely as is practical and safe under the conditions.
5. No person shall operate any vehicle as part of an organized funeral procession without the flashing emergency lights of such vehicle being lighted.

6. Any person who is not an operator of a vehicle in an organized funeral procession shall not:
    - a. Drive between the vehicles comprising an organized funeral procession while such vehicles are in motion and have the flashing emergency lights lighted pursuant to Subsection (B)(5) above, except when required to do so by a Law Enforcement Officer or when such person is operating an emergency vehicle giving an audible or visual signal;
    - b. Join a funeral procession for the purpose of securing the right-of-way; or
    - c. Attempt to pass any vehicle in an organized funeral procession, except where a passing lane has been specifically provided.
  7. When an organized funeral procession is proceeding through a red signal light as permitted herein, a vehicle not in the organized funeral procession shall not enter the intersection unless such vehicle may do so without crossing the path of the funeral procession.
  8. No ordinance, regulation or any other provision of law shall prohibit the use of a motorcycle utilizing flashing amber lights to escort an organized funeral procession on the highway.
- C. Any person convicted of violating any provision of this Section shall be punished by a fine not to exceed one hundred dollars (\$100.00).

#### **Section 340.040. 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.

#### **Section 340.050. When Permits Required for Parades and Processions.**

No funeral, procession or parade containing two hundred (200) or more persons or fifty (50) or more vehicles except the forces of the United States Army or Navy, the military forces of this State, and the forces of the Police and Fire Departments shall occupy, march or proceed along any street except in accordance with a permit issued by the Chief of Police and such other regulations as are set forth herein which may apply.

#### **Section 340.060. Vehicle Shall Not Be Driven on a Sidewalk — Prohibition on Obstruction of Bicycle Lanes — Drivers to Yield to Bicycles in Designated Bicycle Lanes.**

The driver of a motor vehicle shall not drive within any sidewalk area except on a permanent or temporary driveway. A designated bicycle lane shall not be obstructed by a parked or standing motor vehicle or other stationary object. A motor vehicle may be driven in a designated bicycle lane only for the purpose of a lawful maneuver to cross the lane or to provide for safe travel. In making an otherwise lawful maneuver that requires traveling in or crossing a designated bicycle lane, the driver of a motor vehicle shall yield to any bicycle in

the lane. As used in this Section, the term "*designated bicycle lane*" shall mean a portion of the roadway or highway that has been designated by the Governing Body having jurisdiction over such roadway or highway by striping with signing or striping with pavement markings for the preferential or exclusive use of bicycles.

**Section 340.070. 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.

**Section 340.080. 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.

**Section 340.090. Riding on Motorcycles — Additional Passenger — Requirements.**

- A. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons or upon another seat firmly attached to the rear or side of the operator.
- B. The operator of a motorized bicycle shall ride only astride the permanent and regular seat attached thereto and shall not permit more than one (1) person to ride thereon at the same time, unless the motorized bicycle is designed to carry more than one (1) person. Any motorized bicycle designed to carry more than one (1) person must be equipped with a passenger seat and footrests for the use of a passenger.

**Section 340.100. Riding Bicycle on Sidewalks — Limitations — Motorized Bicycles Prohibited.**

- A. No person shall ride a bicycle upon a sidewalk within a business district.
- B. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.
- C. No person shall ride a motorized bicycle upon a sidewalk.

**Section 340.110. All-Terrain Vehicles — Prohibited — Exceptions — Operation Under an Exception — Prohibited Uses — Penalty.**

- A. No person shall operate an all-terrain vehicle, as defined in Section 300.010, upon the streets and highways of this City, except as follows:
  - 1. All-terrain vehicles owned and operated by a governmental entity for official use; or
  - 2. All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation.
- B. No person shall operate an off-road vehicle, as defined in Section 304.001, RSMo., within any stream or river in this City, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this State at such road crossings as are customary or part of the highway system. All Law Enforcement Officials or Peace Officers of this State and its political subdivisions shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.
- C. A person operating an all-terrain vehicle on a street or highway pursuant to an exception covered in this Section shall have a valid license issued by a State authorizing such person to operate a motor vehicle but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty (30) miles per hour. When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven (7) feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be dayglow in color.
- D. No person shall operate an all-terrain vehicle:
  - 1. In any careless way so as to endanger the person or property of another;
  - 2. While under the influence of alcohol or any controlled substance; or
  - 3. Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen (18) years of age.
- E. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.
- F. A violation of this Section shall be an ordinance violation.

**Section 340.115. Utility Task Vehicles (UTV) And Golf Carts.****[Ord. No. 860, 11-26-2018]**

- A. Definitions. The following terms shall have the meanings set out herein for use within this Section.

**UTILITY TASK VEHICLE** (also known as UTV) — Any motorized vehicle manufactured and used exclusively for off-highway use and is between fifty (50) inches and sixty-seven (67) inches in width, with an unladen dry weight of two thousand (2,000) pounds or less, traveling on four (4) or six (6) wheels. This DOES NOT include All Terrain Vehicles (ATV).

**GOLF CART** — A motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) miles per hour.

**B. Operation Of A Utility Task Vehicle (UTV).**

1. No person shall operate a UTV, as defined in Subsection (A), upon the streets and highways of this City, except as follows:
  - a. UTVs owned and operated by a governmental entity for official use;
  - b. UTVs operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation;
  - c. UTVs operated by handicapped persons for short distances occasionally only on the City's streets when operated between the hours of sunrise and sunset;
  - d. UTVs whose licensed operators carry a special permit issued by the City.
2. No person shall operate a UTV, as defined in Subsection (A), within any stream or river in this City, except that UTVs may be operated within waterways which flow within the boundaries of land which a UTV operator owns, or for agricultural purposes within the boundaries of land which a UTV operator owns or has permission to be upon, or for the purpose of fording such stream or river of this City at such road crossings as are customary or part of the street and City highway system. All law enforcement officials or peace officers of this City shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.
3. A person operating a UTV on a City street or highway pursuant to an exception covered in this Section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to Subdivision (c) of subsection (1) of this Subsection (B), but shall not be required to have passed an examination for the operation of a motorcycle; and the vehicle shall be operated at speeds of less than thirty (30) miles per hour. When operated on a City street or highway within the City, a UTV shall have a bicycle safety flag, which extends not less than seven (7) feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular with an area of not less than thirty (30) square inches and shall be dayglow in color.
4. No person shall operate a UTV on any park lands of the City of Stover, Missouri, except those operated by a governmental unit for official use, or at special events for the City of Stover.
5. No person shall operate a UTV that is not properly equipped with headlights, tail lights, brake lights, and turn signals.

6. No person shall operate a UTV:
  - 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;
  - c. Without a securely fastened safety helmet on the head of an individual who operates a UTV or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen (18) years of age;
  - d. Without a valid City permit affixed to the rear of the UTV in a clearly visible location;
  - e. Without valid insurance on the UTV for operation on public roads;
  - f. On any State or Federal highway, except any State highway with a posted speed limit of thirty-five (35) miles per hour or except to cross a portion of a State highway system which intersects a municipal street; or
  - g. In a manner which disturbs the public peace.
  - h. Any individual riding in or driving a UTV shall wear a seat belt at all times.
7. No operator of a UTV shall carry a passenger, except for agricultural purposes. The provisions of this Subsection shall not apply to any UTV in which the seat of such vehicle is designed to carry more than one (1) person.
8. A violation of this Subsection shall be punished by a fine not exceeding three hundred dollars (\$300.00) or by imprisonment for a period of not exceeding fifteen (15) days, or by both such fine and imprisonment.

C. UTV Vehicle Permits And Registration.

1. The City Clerk shall hereby be designated as the City Official with the authority to issue special use permits for UTVs on a form prescribed and approved by the City Clerk and Mayor within the City and a fifteen dollar (\$15.00) fee shall be collected by the official upon issuance of the permit. No permit shall be issued until the fee is paid. Within five (5) days after the receipt of said fees, the official shall deposit the fees in the General Fund of the City. The permit shall be valid for two (2) years.
2. No person shall operate a UTV until and unless it has been registered with the City Clerk and to register it they must also provide proof of financial responsibility, covering the UTV to be registered, for operation on public roads with no less than the minimal insurance amounts as set forth by Missouri Revised Statutes as they may be amended from time to time.

D. Golf Carts, Operation On City Streets.

1. Requirements for operating golf carts on City streets, roads or alleyways within the City:

- a. Any individual operating a golf cart shall have a valid operator's or chauffeur's license but is not required to pass an examination for the operation of a motorcycle.
  - b. The golf cart shall be properly insured, and such proof of insurance shall specifically list the vehicle as referenced by the serial number and year of model.
  - c. Any individual riding in or driving a golf cart shall wear a seat belt at all times.
  - d. The golf cart shall be operated at a speed of less than twenty (20) miles per hour.
  - e. The golf cart shall have a bicycle safety flag, which extends not less than seven (7) feet above the ground, attached to the rear of the vehicle. The flag shall be day-glow colored and shall be triangular shaped, with an area not less than thirty (30) square inches.
2. No individual operating a golf cart on City streets, roads or alleyways shall:
- a. Operate the golf cart in any careless or imprudent manner so as to endanger any person or property of any person;
  - b. Operate the golf cart while under the influence of alcohol or controlled substance;
  - c. Operate a golf cart between the hours of official sunset and sunrise unless the golf cart is properly equipped with headlights, tail lights, brake lights and turn signals;
  - d. Operate a golf cart on a street with a posted speed limit of thirty-five (35) miles per hour; except operation for the purpose of crossing a portion of a street with a posted speed limit of thirty-five (35) miles per hour which intersects a municipal street;
  - e. Operate the golf cart at any time on any State or Federal highway, except to cross a portion of the State highway system which intersects a municipal street;
  - f. Operate a golf cart across any highway at an intersection where the highway being crossed has a posted speed limit of more than forty-five (45) miles per hour;
  - g. Operate the golf cart without a valid City permit affixed to golf cart on the rear bumper;
  - h. Without valid insurance on the golf cart for operation on public roads;
  - i. Disturb the public peace, or
  - j. Carry passengers:

- (1) In excess of the maximum number of designed seating for the golf cart; no more than two (2) total persons per bench seat shall be allowed;
  - (2) Younger than sixteen (16) years in age unless the operator is the legal guardian of the passenger(s).
3. A violation of this Subsection shall be punished by a fine not exceeding three hundred dollars (\$300.00) or by imprisonment for a period of not exceeding fifteen (15) days, or by both such fine and imprisonment.

E. Golf Cart Permits And Registration.

1. The City Clerk shall hereby be designated as the City Official with the authority to issue special use permits for golf carts on a form prescribed and approved by the City Clerk and Mayor within the City and a fifteen dollar (\$15.00) fee shall be collected by the official upon issuance of the permit. No permit shall be issued until the fee is paid. Within five (5) days after the receipt of said fees, the official shall deposit the fees in the general fund of the City. The City permit shall be valid for two (2) years.
2. No person shall operate a golf cart until and unless it has been registered with the City Clerk and to register a person must also provide proof of financial responsibility, covering the golf cart to be registered, for operation on public roads with no less than the minimal insurance amounts as set forth by Missouri Revised Statutes as they may be amended from time to time.

**Section 340.120. Riding Bicycles, Sleds, Roller Skates by Attaching to Another Vehicle, Prohibited — Pulling a Rider Behind Vehicle Prohibited.**

No person riding upon any bicycle, motorized bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself/herself to any vehicle upon a roadway. Neither shall the driver of a vehicle knowingly pull a rider behind a vehicle.

**Section 340.130. 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.

**Section 340.140. Railroad Trains Not to Block Streets.**

It shall be unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five (5) minutes; provided that this Section shall not apply to a moving train or to one stopped because of an emergency or for repairs necessary before it can proceed safely.

**Section 340.150. Driving Through Safety Zone Prohibited.**

No vehicle shall at any time be driven through or within a safety zone.

**Section 340.160. Manner of Operation of Motor Vehicles — Careful and Prudent.**

Every person operating a motor vehicle on the highways of this City shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care.

**Section 340.170. Driving to the Right.**

- A. Upon all public roads or highways of sufficient width, a vehicle shall be driven upon the right-half of the roadway, except as follows:
1. When overtaking and passing another vehicle proceeding in the same direction pursuant to the rules governing such movement;
  2. When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions of this Title;
  3. When the right-half of a roadway is closed to traffic while under construction or repair; or
  4. Upon a roadway designated by local ordinance as a one-way street and marked or signed for one-way traffic.

- B. It is unlawful to drive any vehicle upon any highway or road which has been divided into two (2) or more roadways by means of a physical barrier or by means of a dividing section or delineated by curbs, lines or other markings on the roadway except to the right of such barrier or dividing section or to make any left turn or semi-circular or U-turn on any such divided highway, except at an intersection or interchange or at any signed location designated by the State Highways and Transportation Commission or the Department of Transportation. The provisions of this Subsection shall not apply to emergency vehicles, law enforcement vehicles or to vehicles owned by the Commission or the Department.
- C. Whenever any roadway has been divided into three (3) or more clearly marked lanes for traffic, the following rules in addition to all other consistent herewith shall apply:
1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
  2. Upon a roadway which is divided into three (3) lanes, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.
  3. Upon all highways any vehicle proceeding at less than the normal speed of traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except as otherwise provided in Sections 304.014 to 304.026, RSMo.
  4. Official signs may be erected by the State Highways and Transportation Commission or the Highway Patrol may place temporary signs directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.
  5. Drivers of vehicles proceeding in opposite directions shall pass each other to the right and, except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half ( $\frac{1}{2}$ ) of the main traveled portion of the roadway whenever possible.
- D. All vehicles in motion upon a highway having two (2) or more lanes of traffic proceeding in the same direction shall be driven in the right-hand lane except when overtaking and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals.

**Section 340.180. Passing Regulations.**

- A. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations and exceptions hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and
  2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of such driver's vehicle until completely passed by the overtaking vehicle.
- B. The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:
1. When the vehicle overtaken is making or about to make a left turn;
  2. Upon a City street with unobstructed pavement of sufficient width for two (2) or more lanes of vehicles in each direction; or
  3. Upon a one-way street.

The driver of a motor vehicle may overtake and pass another vehicle upon the right only under the foregoing conditions when such movement may be made in safety. In no event shall such movement be made by driving off the paved or main traveled portion of the roadway. The provisions of this Subsection shall not relieve the driver of a slow-moving vehicle from the duty to drive as closely as practicable to the right-hand edge of the roadway.

- C. Except when a roadway has been divided into three (3) traffic lanes, no vehicle shall be driven to the left side of the centerline of a highway or public road in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.
- D. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:
1. When approaching the crest of a grade or upon a curve of the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.
  2. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct, tunnel or when approaching within one hundred (100) feet of or at any intersection or railroad grade crossing.

#### **Section 340.190. Hand and Mechanical Signals.**

- A. No person shall stop or suddenly decrease the speed of or turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be

made with reasonable safety and then only after the giving of an appropriate signal in the manner provided herein.

1. An operator or driver when stopping, or when checking the speed of the operator's vehicle if the movement of other vehicles may reasonably be affected by such checking of speed, shall extend such operator's arm at an angle below horizontal so that the same may be seen in the rear of the vehicle.
2. An operator or driver intending to turn the vehicle to the right shall extend such operator's arm at an angle above horizontal so that the same may be seen in front of and in the rear of the vehicle and shall slow down and approach the intersecting highway as near as practicable to the right side of the highway along which such operator is proceeding before turning.
3. An operator or driver intending to turn the vehicle to the left shall extend such operator's arm in a horizontal position so that the same may be seen in the rear of the vehicle and shall slow down and approach the intersecting highway so that the left side of the vehicle shall be as near as practicable to the centerline of the highway along which the operator is proceeding before turning.
4. The signals herein required shall be given either by means of the hand and arm or by a signal light or signal device in good mechanical condition of a type approved by the State Highway Patrol; however, when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then such signals shall be given by such light or device. A vehicle shall be considered as so constructed or loaded that a hand and arm signal would not be visible both to the front and rear when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereon exceeds fourteen (14) feet, which limit of fourteen (14) feet shall apply to single vehicles or combinations of vehicles. The provisions of this Subsection shall not apply to any trailer which does not interfere with a clear view of the hand signals of the operator or of the signaling device upon the vehicle pulling such trailer; provided further, that the provisions of this Section as far as mechanical devices on vehicles so constructed that a hand and arm signal would not be visible both to the front and rear of such vehicle as above provided shall only be applicable to new vehicles registered within this State after the first (1st) day of January, 1954.

**Section 340.200. Stopping for School Bus.**

- A. The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children and whose driver has in the manner prescribed by law given the signal to stop shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion or until signaled by its driver to proceed.

- B. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "*School Bus*" in letters not less than eight (8) inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: "*State Law: Stop While Bus is Loading and Unloading*". Each school bus subject to the provisions of Sections 304.050 to 304.070, RSMo., shall be equipped with a mechanical and electrical signaling device approved by the State Board of Education which will display a signal plainly visible from the front and rear and indicating intention to stop.
- C. Every school bus operated to transport students in the public school system which has a gross vehicle weight rating of more than ten thousand (10,000) pounds, which has the engine mounted entirely in front of the windshield and the entrance door behind the front wheels, and which is used for the transportation of school children shall be equipped with a crossing control arm. The crossing control arm, when activated, shall extend a minimum of five (5) feet six (6) inches from the face of the front bumper. The crossing control arm shall be attached on the right side of the front bumper and shall be activated by the same controls which activate the mechanical and electrical signaling devices described in Subsection (B) of this Section. This Subsection may be cited as "*Jessica's Law*" in commemoration of Jessica Leicht and all other Missouri school children who have been injured or killed during the operation of a school bus.
- D. Except as otherwise provided in this Section, the driver of a school bus in the process of loading or unloading students upon a street or highway shall activate the mechanical and electrical signaling devices, in the manner prescribed by the State Board of Education, to communicate to drivers of other vehicles that students are loading or unloading. A public school district has the authority pursuant to Section 304.050, RSMo., to adopt a policy which provides that the driver of a school bus in the process of loading or unloading students upon a divided highway of four (4) or more lanes may pull off of the main roadway and load or unload students without activating the mechanical and electrical signaling devices in a manner which gives the signal for other drivers to stop and may use the amber signaling devices to alert motorists that the school bus is slowing to a stop; provided that the passengers are not required to cross any traffic lanes and also provided that the emergency flashing signal lights are activated in a manner which indicates that drivers should proceed with caution and, in such case, the driver of a vehicle may proceed past the school bus with due caution. No driver of a school bus shall take on or discharge passengers at any location upon a highway consisting of four (4) or more lanes of traffic, whether or not divided by a median or barrier, in such manner as to require the passengers to cross more than two (2) lanes of traffic; nor shall any passengers be taken on or discharged while the vehicle is upon the road or highway proper unless the vehicle so stopped is plainly visible for at least five hundred (500) feet in each direction to drivers of other vehicles in the case of a highway with no shoulder and a speed limit greater than sixty (60) miles per hour and at least three hundred (300) feet in each direction to drivers of other vehicles upon other highways, and on all highways, only for such time as is actually necessary to take on and discharge passengers.
- E. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway, which is proceeding in the opposite direction on a highway containing four (4) or more lanes of traffic, or which is stopped in a loading zone constituting a part of, or adjacent to, a limited or

controlled access highway at a point where pedestrians are not permitted to cross the roadway.

**Section 340.210. Right-Of-Way at Intersection — Signs at Intersections. <sup>1</sup>**

- A. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway, provided however, there is no form of traffic control at such intersection.
- B. When two (2) vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This Subsection shall not apply to vehicles approaching each other from opposite directions when the driver of one (1) of such vehicles is attempting to or is making a left turn.
- C. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.
- D. The driver of a vehicle intending to make a left turn into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction when the making of such left turn would create a traffic hazard.
- E. The State Highways and Transportation Commission or local authorities with respect to roads under their respective jurisdictions, on any Section where construction or major maintenance operations are being effected, may fix a speed limit in such areas by posting of appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation of Section 340.160.

**Section 340.220. Distance at Which Vehicle Must Follow.**

The driver of a vehicle shall not follow another vehicle more closely than is reasonably safe and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the roadway. Vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated, except in a funeral procession or in a duly authorized parade, so as to allow sufficient space between each such vehicle or combination of vehicles as to enable any other vehicle to overtake or pass such vehicles in safety. This Section shall in no manner affect Section 304.044, RSMo., relating to distance between trucks traveling on the highway.

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1. Note — This Section has additional penalties to the general penalty based on certain circumstances, §304.351, RSMo.



## Chapter 342

### ALCOHOL-RELATED TRAFFIC OFFENSES

**Section 342.010. Definitions.**

**Section 342.020. Driving While Intoxicated.**

**Section 342.030. Driving With Excessive Blood Alcohol Content.**

**Section 342.040. Chemical Test for Alcohol Content — Consent Implied —**

**Administered — When — How — Videotaping of Chemical or Field Sobriety Test Admissible Evidence.**

**Section 342.050. Consumption of Alcoholic Beverages in Moving Motor Vehicle — Prohibited When.**

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Cross Reference — As to reimbursement of certain costs related to arrest under this chapter, §125.330(9) of this Code.

**Section 342.010. Definitions.**

As used in this Chapter, the following terms shall have these prescribed meanings:

**DRIVE, DRIVING, OPERATES or OPERATING** — Physically driving or operating a motor vehicle.

**INTOXICATED CONDITION** — A person is in an "*intoxicated condition*" when he/she is under the influence of alcohol, a controlled substance or drug, or any combination thereof.

**LAW ENFORCEMENT OFFICER or ARRESTING OFFICER** — Includes the definition of Law Enforcement Officer in Subdivision (17) of Section 556.061, RSMo., and military Policemen conducting traffic enforcement operations on a Federal military installation under military jurisdiction in the State of Missouri.

**Section 342.020. Driving While Intoxicated.**

A person commits the offense of "*driving while intoxicated*" if he/she operates a motor vehicle while in an intoxicated or drugged condition. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two (2) years.

**Section 342.030. Driving With Excessive Blood Alcohol Content.**

A. A person commits the offense of "*driving with excessive blood alcohol content*" if such person operates a motor vehicle in this City with eight-hundredths of one percent (.08%) or more by weight of alcohol in such person's blood.

- B. As used in this Section, "*percent by weight of alcohol*" in the blood shall be based upon grams of alcohol per one hundred (100) milliliters of blood or two hundred ten (210) liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this Section, the test shall be conducted in accordance with the provisions of Sections 577.020 to 577.041, RSMo.

**Section 342.040. Chemical Test for Alcohol Content — Consent Implied — Administered — When — How — Videotaping of Chemical or Field Sobriety Test Admissible Evidence.**

- A. This Section and Section 577.021, RSMo., shall be known as the Alan Woods Law.
- B. Any person who operates a motor vehicle upon the public highways of this City shall be deemed to have given consent to, subject to the provisions of Sections 577.020 to 577.041, RSMo., a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:
1. If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition;
  2. If the person is under the age of twenty-one (21), has been stopped by a Law Enforcement Officer, and the Law Enforcement Officer has reasonable grounds to believe that such person was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent (.02%) or more by weight;
  3. If the person is under the age of twenty-one (21), has been stopped by a Law Enforcement Officer, and the Law Enforcement Officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the State or any political subdivision of the State, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent (.02%) or greater;
  4. If the person is under the age of twenty-one (21), has been stopped at a sobriety checkpoint or roadblock, and the Law Enforcement Officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent (.02%) or greater;
  5. If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or a readily apparent serious physical injury as defined in Section 565.002, RSMo., and has been arrested as evidenced by the issuance of a uniform traffic ticket for the violation of any State law or County or municipal ordinance with the exception of equipment violations contained in Chapter 307, RSMo., or similar provisions contained in County or municipal ordinances; or

6. If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or serious physical injury as defined in Section 565.002, RSMo.

The test shall be administered at the direction of the Law Enforcement Officer whenever the person has been arrested or stopped for any reason.

- C. The implied consent to submit to the chemical tests listed in Subsection (B) of this Section shall be limited to not more than two (2) such tests arising from the same arrest, incident or charge.
- D. Chemical analysis of the person's breath, blood, saliva or urine to be considered valid pursuant to the provisions of Sections 577.020 to 577.041, RSMo., shall be performed according to methods approved by the State Department of Health by licensed medical personnel or by a person possessing a valid permit issued by the State Department of Health for this purpose.
- E. The person tested may have a physician, or a qualified technician, chemist, registered nurse or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a Law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a Law Enforcement Officer.
- F. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. Full information is limited to the following:
  1. The type of test administered and the procedures followed;
  2. The time of the collection of the blood or breath sample or urine analyzed;
  3. The numerical results of the test indicating the alcohol content of the blood and breath and urine;
  4. The type and status of any permit which was held by the person who performed the test;
  5. If the test was administered by means of a breath testing instrument, the date of performance of the most recent required maintenance of such instrument.

Full information does not include manuals, schematics or software of the instrument used to test the person or any other material that is not in the actual possession of the State. Additionally, full information does not include information in the possession of the manufacturer of the test instrument.

- G. Any person given a chemical test of the person's breath pursuant to Subsection (B) of this Section or a field sobriety test may be videotaped during any such test at the direction of the Law Enforcement Officer. Any such video recording made during the

chemical test pursuant to this Subsection or a field sobriety test shall be admissible as evidence for a violation of any municipal ordinance or any license revocation or suspension proceeding pursuant to the provisions of Chapter 302, RSMo.

**Section 342.050. Consumption of Alcoholic Beverages in Moving Motor Vehicle — Prohibited When.**

- A. No person shall consume any alcoholic beverage while operating a moving motor vehicle upon the highways.
- B. Any person found guilty of violating the provisions of this Section is guilty of an infraction.
- C. Any infraction under this Section shall not reflect on any records with the Department of Revenue.

## Chapter 345

### PEDESTRIANS' RIGHTS AND DUTIES

**Section 345.010. Pedestrians Subject to Traffic Control Devices.**

**Section 345.020. Pedestrians' Right-of-Way in Crosswalks.**

**Section 345.030. Pedestrians to Use Right-Half of Crosswalks.**

**Section 345.040. Crossing at Right Angles.**

**Section 345.050. When Pedestrian Shall Yield.**

**Section 345.060. Prohibited Crossing.**

**Section 345.070. Obedience of Pedestrians to Railroad Signals.**

**Section 345.080. Pedestrians Walking Along Roadways.**

**Section 345.090. Drivers to Exercise Highest Degree of Care.**

**Section 345.100. Distance to Be Maintained When Overtaking a Bicycle.**

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#### **Section 345.010. Pedestrians Subject to Traffic Control Devices.**

Pedestrians shall be subject to traffic control signals as heretofore declared in Sections 315.060 and 315.070 of this Title, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this Chapter.

#### **Section 345.020. Pedestrians' Right-of-Way in Crosswalks.**

- A. When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
- B. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
- C. Subsection (A) shall not apply under the conditions stated in Subsection (B) of Section 345.050.
- D. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

#### **Section 345.030. Pedestrians to Use Right-Half of Crosswalks.**

Pedestrians shall move, whenever practicable, upon the right-half of crosswalks.

**Section 345.040. 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.

**Section 345.050. When Pedestrian Shall Yield.**

- A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
- C. The foregoing rules in this Section have no application under the conditions stated in Section 345.060 when pedestrians are prohibited from crossing at certain designated places.

**Section 345.060. Prohibited Crossing.**

- A. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.
- B. No pedestrian shall cross a roadway other than in a crosswalk in any business district.
- C. No pedestrian shall cross a roadway other than in a crosswalk upon any street designated by ordinance.
- D. No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

**Section 345.070. Obedience of Pedestrians to Railroad Signals.**

No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge when such gate or barrier is closed or is being opened or closed.

**Section 345.080. Pedestrians Walking Along Roadways.**

- A. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
- B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

**Section 345.090. Drivers to Exercise Highest Degree of Care.**

Notwithstanding the foregoing provisions of this Title, every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

**Section 345.100. Distance to Be Maintained When Overtaking a Bicycle.**

The operator of a motor vehicle overtaking a bicycle proceeding in the same direction on the roadway, as defined in Section 300.010, shall leave a safe distance when passing the bicycle and shall maintain clearance until safely past the overtaken bicycle.



## **Chapter 350**

### **METHOD OF PARKING**

#### **Section 350.010. Standing or Parking Close to Curb.**

#### **Section 350.020. Signs or Markings Indicating Angle Parking.**

#### **Section 350.030. Obedience to Angle Parking Signs or Markers.**

#### **Section 350.040. Permits for Loading or Unloading at an Angle to the Curb.**

#### **Section 350.050. Lamps on Parked Vehicles.**

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#### **Section 350.010. Standing or Parking Close to Curb.**

Except as otherwise provided in this Chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen (18) inches of the right-hand curb.

#### **Section 350.020. Signs or Markings Indicating Angle Parking.**

- A. The City Traffic Engineer shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any Federal-aid or State highway within the City unless the State Highways and Transportation Commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
- B. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

#### **Section 350.030. 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.

#### **Section 350.040. Permits for Loading or Unloading at an Angle to the Curb.**

- A. 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.

- B. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

**Section 350.050. Lamps on Parked Vehicles.**

- A. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half (½) hour after sunset and a half (½) hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such street or highway, no lights need be displayed upon such parked vehicle.
- B. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half (½) hour after sunset and a half (½) hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such highway, such vehicle so parked or stopped shall be equipped with one (1) or more lamps meeting the following requirements: At least one (1) lamp shall display a white or amber light visible from a distance of five hundred (500) feet to the front of the vehicle, and the same lamp or at least one (1) other lamp shall display a red light visible from a distance of five hundred (500) feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one (1) lamp or combination of lamps meeting the requirements of this Section is installed as near as practicable to the side of the vehicle which is closer to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.
- C. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

## Chapter 355

### STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

**Section 355.010. Stopping, Standing or  
Parking Prohibited.**

**Section 355.020. Parking Not to  
Obstruct Traffic.**

**Section 355.030. Parking in Alleys.**

**Section 355.040. Parking for Certain  
Purposes Prohibited.**

**Section 355.050. Parking Adjacent to  
Schools.**

**Section 355.060. Parking Prohibited on  
Narrow Streets.**

**Section 355.070. Standing or Parking on  
One-Way Streets.**

**Section 355.080. Standing or Parking on  
One-Way Roadways.**

**Section 355.090. No Stopping, Standing  
or Parking Near  
Hazardous or  
Congested Places.**

**Section 355.100. Physically Disabled  
Parking.**

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Editor's Note: As to Manufactured Homes, Campers, Travel Trailers, And Recreational Vehicles Parking on public streets, Ch. 515.

#### **Section 355.010. Stopping, Standing or Parking Prohibited.**

- A. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a Police Officer or official traffic control device, no person shall:
1. Stop, stand or park a vehicle:
    - a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
    - b. On a sidewalk;
    - c. Within an intersection;
    - d. On a crosswalk;
    - e. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the City Traffic Engineer indicates a different length by signs or markings;
    - f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
    - g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
    - h. On any railroad tracks; or

- i. At any place where official signs prohibit stopping.
2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
  - a. In front of a public or private driveway;
  - b. Within thirty (30) feet of an intersection;
  - c. Within fifteen (15) feet of a fire hydrant;
  - d. Within twenty (20) feet of a crosswalk at an intersection;
  - e. Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway;
  - f. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly signposted); or
  - g. At any place where official signs prohibit standing.
3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
  - a. Within fifty (50) feet of the nearest rail of a railroad crossing; or
  - b. At any place where official signs prohibit parking.
- B. No person shall move a vehicle not lawfully under his/her control into any such prohibited area or away from a curb such a distance as is unlawful.

**Section 355.020. Parking Not to Obstruct Traffic.**

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.

**Section 355.030. Parking in Alleys.**

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

**Section 355.040. Parking for Certain Purposes Prohibited.**

- A. No person shall park a vehicle upon any roadway for the principal purpose of:
  1. Displaying such vehicle for sale; or
  2. Repair such vehicle except repairs necessitated by an emergency.

**Section 355.050. Parking Adjacent to Schools.**

- A. The City Traffic Engineer is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his/her opinion, interfere with traffic or create a hazardous situation.
- B. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

**Section 355.060. Parking Prohibited on Narrow Streets.**

- A. 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 (20) feet or upon one (1) side of a street as indicated by such signs when the width of the roadway does not exceed thirty (30) feet.
- B. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

**Section 355.070. 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.

**Section 355.080. Standing or Parking on One-Way Roadways.**

In the event a highway includes two (2) or more separate roadways and traffic is restricted to one (1) direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The City Traffic Engineer is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

**Section 355.090. No Stopping, Standing or Parking Near Hazardous or Congested Places.**

- A. The City Traffic Engineer is hereby authorized to determine and designate by proper signs places not exceeding one hundred (100) feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- B. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in any such designated place.

**Section 355.100. Physically Disabled Parking.**

- A. It shall be unlawful for any person to park or stand any vehicle in any stall or space designated or reserved for physically disabled persons, as defined in Section 301.142, RSMo., as amended, whether upon public or private property open to public use, unless the vehicle bears the State of Missouri license plate or placard for the disabled as provided for in Sections 301.071 or 301.142, RSMo., as amended. The space shall be indicated by an upright sign whether on a pole or attached to a building upon which shall be inscribed the international symbol of accessibility and may also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. The sign described in this Subsection shall also state, or an additional sign shall be posted below or adjacent to the sign stating, the following: "\$50 to \$300 fine".
- B. Any vehicle operator who is not physically disabled shall not use the handicapped parking space unless there is a physically disabled person in the vehicle or while the vehicle is being used to transport a physically disabled person.
- C. Any person convicted of violating this Section is guilty of an offense and shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00). Every day upon which such violation occurs shall constitute a separate offense.

## **Chapter 360**

### **STOPPING FOR LOADING OR UNLOADING ONLY**

**Section 360.010. City Traffic Engineer to Designate Curb Loading Zones.**

**Section 360.020. Permits for Curb Loading Zones.**

**Section 360.030. Standing in Passenger Curb Loading Zone.**

**Section 360.040. Standing in Freight Curb Loading Zones.**

**Section 360.050. City Traffic Engineer to Designate Public Carrier Stops and Stands.**

**Section 360.060. Stopping, Standing and Parking of Buses and Taxicabs Regulated.**

**Section 360.070. Restricted Use of Bus and Taxicab Stands.**

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#### **Section 360.010. 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.

#### **Section 360.020. 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 zone and for two (2) signs to indicate the ends of each such zone. The City Traffic Engineer upon granting a permit and issuing such signs shall collect from the applicant and deposit in the City Treasury a service fee of ten dollars (\$10.00) per year or fraction thereof and may by general regulations impose conditions upon the use of such signs and for reimbursement of the City for the value thereof in the event of their loss or damage and their return in the event of misuse or upon expiration of permit. Every such permit shall expire at the end of one (1) year.

#### **Section 360.030. Standing in Passenger Curb Loading Zone.**

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes.

#### **Section 360.040. 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.

**Section 360.050. 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/she shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.

**Section 360.060. Stopping, Standing and Parking of Buses and Taxicabs Regulated.**

- A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.
- B. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.
- C. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.
- D. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

**Section 360.070. Restricted Use of Bus and Taxicab Stands.**

No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

## **Chapter 365**

### **STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS**

#### **ARTICLE I Generally**

- Section 365.010. Application of Chapter.**
- Section 365.020. Regulations Not Exclusive.**
- Section 365.030. Parking Prohibited at All Times on Certain Streets.**
- Section 365.040. Parking Prohibited During Certain Hours on Certain Streets.**
- Section 365.050. Stopping, Standing or Parking Prohibited During Certain Hours on Certain Streets.**
- Section 365.060. Parking Signs Required.**
- Section 365.070. Commercial Vehicles Prohibited From Using Certain Streets.**

#### **ARTICLE II Emergency Snow Routes**

- Section 365.080. Declaration of Snow Emergency.**
- Section 365.090. Snow Emergency Routes.**
- Section 365.100. Broadcast by Director of Public Works.**
- Section 365.110. Termination.**
- Section 365.120. Signs.**
- Section 365.130. Vehicle Removal.**

#### **ARTICLE III Commercial Vehicles — Trucks**

- Section 365.140. Second Street Prohibitions.**

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Editor's Note: As to Manufactured Homes, Campers, Travel Trailers, And Recreational Vehicles Parking on public streets, Ch. 515.

#### **ARTICLE I Generally**

##### **Section 365.010. Application of Chapter.**

The provisions of this Title prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a Police Officer or official traffic control device.

**Section 365.020. Regulations Not Exclusive.**

The provisions of this Title imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

**Section 365.030. Parking Prohibited at All Times on Certain Streets.**

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described by ordinance.

**Section 365.040. Parking Prohibited During Certain Hours on Certain Streets.**

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified by ordinance of any day except Sunday and public holidays within the districts or upon any of the streets described by ordinance.

**Section 365.050. Stopping, Standing or Parking Prohibited During Certain Hours on Certain Streets.**

When signs are erected in each block giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified by ordinance of any day except Sundays and public holidays within the district or upon any of the streets described by ordinance.

**Section 365.060. Parking Signs Required.**

Whenever by this Title or any ordinance of the City any parking time limit is imposed or parking is prohibited on designated streets, it shall be the duty of the City Traffic Engineer to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

**Section 365.070. 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.

## ARTICLE II

### Emergency Snow Routes

**Section 365.080. Declaration of Snow Emergency.**

**[Ord. No. 720 §1, 1-23-2006]**

Whenever the Director of Public Works has declared a snow emergency on the basis of falling snow, sleet or freezing rain, or on the basis of a forecast by the United States Weather

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Bureau or other weather service of snow, sleet, freezing rain, that weather and/or road conditions will make it necessary that motor vehicle traffic be expedited, the Director of Public Works, through the declaration of a snow emergency, shall have power to restrict and prohibit vehicles being parked on a designated and posted snow emergency route as hereinafter set forth by making said declaration as provided further in this provision.



**Section 365.090. Snow Emergency Routes.**

**[Ord. No. 720 §2, 1-23-2006]**

The streets listed in Schedule IV are hereby designated snow emergency routes.

**Section 365.100. Broadcast by Director of Public Works.**

**[Ord. No. 720 §3, 1-23-2006]**

The Director of Public Works shall cause each declaration of the snow emergency made by him/her pursuant to this Article to be publicly announced by means of broadcast and telecast by stations within normal operating range covering the City and he/she shall further cause his/her declaration to be announced in newspapers of general circulation, when feasible. Each announcement shall include the time it became or will become in effect and the Director of Public Works shall make and keep or cause to be made or kept a record of each time said declarations are made in accordance with this Section.

**Section 365.110. Termination.**

**[Ord. No. 720 §4, 1-23-2006]**

Whenever the Director of Public Works shall find that an emergency situation no longer exists, it shall be his/her duty to declare that the snow emergency has terminated in the same manner with the same notices as prescribed in this Article.

**Section 365.120. Signs.**

**[Ord. No. 720 §5, 1-23-2006]**

On each route designated by this Section as a snow emergency route, the Superintendent of Streets shall post special signs at intervals indicating that this is an emergency snow route. These signs shall be distinctive, uniform in appearance and shall be plainly readable to persons using the street or highway.

**Section 365.130. Vehicle Removal.**

**[Ord. No. 720 §6, 1-23-2006]**

- A. Whenever any vehicle shall be found parked or abandoned on a snow removal emergency route in violation of this Article, such vehicle may be removed immediately.
- B. Within forty-eight (48) hours of the removal of such vehicle, the Chief of Police shall give notice to the registered owner of the vehicle, if known, and to any holder of a security interest in the vehicle that the vehicle has been impounded and stored at a location set forth in said notice for violation of this Article. This notice shall be sent by certified mail and give the location of the vehicle and the cost incurred by the City for removal and storage.

- C. Unclaimed vehicles may be disposed of by public sale after thirty (30) days from the time that said vehicle was impounded or stored.
- D. Vehicles may be redeemed by the owner or security interest holder paying all costs incurred by the City for removal and storage. If the owner or the security interest holder requests a hearing, the Chief of Police shall make the determination required by this Article and shall determine whether the vehicle was parked or abandoned in violation of this Article.

ARTICLE III  
**Commercial Vehicles — Trucks**

**Section 365.140. Second Street Prohibitions.**

**[Ord. No. 206 §§3 — 6, 2-4-1957]**

- A. No motor vehicle, including trucks, that is more than three-fourths ( $\frac{3}{4}$ ) ton in capacity and which is in excess of eighteen (18) feet long shall park anywhere on Second Street in the City of Stover, Missouri. Any motor vehicle operator loading or unloading a cargo by necessity because of no rear loading dock shall not block the street and shall not occupy said street for such purpose for more than a reasonable time.
- B. All motor vehicles and trucks in excess of a rating of three-fourths ( $\frac{3}{4}$ ) ton and with an overall length in excess of eighteen (18) feet shall park south of Second Street a period not to exceed twelve (12) hours in the public streets south of Second Street.
- C. No motor vehicle or truck parked on the public streets south of Second Street shall contain, manure, debris or ill-smelling matter when parked in front of a private residence or a place of business; such contents when making a stench or smell shall be a public nuisance. No motor vehicle shall be parked an unreasonable time on the public streets south of Second Street when loaded with animals of any description.
- D. The Mayor and the Chief of Police of the City of Stover, Missouri, shall be the judge of what is a reasonable time under the terms of this Article based on the actual circumstances at hand.

## **Chapter 370**

### **PROCEDURE ON ARREST**

**Section 370.010. Forms and Records of Traffic Citations and Arrests.**

**Section 370.020. Procedure of Police Officers.**

**Section 370.030. Uniform Traffic Tickets or Other Citation to Be Issued When Vehicle Illegally Parked or Stopped.**

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#### **Section 370.010. Forms and Records of Traffic Citations and Arrests.**

- A. The City shall provide books containing uniform traffic tickets as prescribed by Supreme Court Rule. Said books shall include serially numbered sets of citations in quadruplicate in the form prescribed by Supreme Court Rule.
- B. Such books shall be issued to the Chief of Police or his/her duly authorized agent, a record shall be maintained of every book so issued, and a written receipt shall be required for every book. The judge or judges hearing City ordinance violation cases may require that a copy of such record and receipts be filed with the court.
- C. The Chief of Police shall be responsible for the issuance of such books to individual members of the Police Department. The Chief of Police shall require a written receipt for every book so issued and shall maintain a record of every such book and each set of citations contained therein.

#### **Section 370.020. Procedure of Police Officers.**

Except when authorized or directed under State law to immediately take a person before the Municipal Judge for the violation of any traffic laws, a Police Officer who halts a person for such violation, other than for the purpose of giving him/her a warning or warning notice and does not take such person into custody under arrest, shall issue to him/her a uniform traffic ticket which shall be proceeded upon in accordance with Supreme Court Rules.

#### **Section 370.030. Uniform Traffic Tickets or Other Citation 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 or other citation for the driver to answer to the charge against him/her within seven (7) days during the hours and at a place specified in the traffic ticket.



## **Chapter 375**

### **VEHICLE EQUIPMENT**

#### **ARTICLE I** **Light Regulations**

- Section 375.010. When Lights Required.**
- Section 375.020. Headlamp on Motor Vehicles.**
- Section 375.030. Multiple-Beam Headlamps — Arrangement.**
- Section 375.040. Dimming of Lights — When.**
- Section 375.050. Taillamps — Reflectors.**
- Section 375.060. Auxiliary Lamps — Number — Location.**
- Section 375.070. Cowl, Fender, Running Board and Backup Lamps.**
- Section 375.080. Spotlamps.**
- Section 375.090. Colors of Various Lamps — Restriction of Red Lights.**
- Section 375.100. Limitations on Lamps Other Than Headlamps — Flashing Signals Prohibited Except on Specified Vehicles.**
- Section 375.110. Limitation on Total of Lamps Lighted at One Time.**
- Section 375.120. Other Vehicles — How Lighted.**
- Section 375.130. Animal-Driven Vehicles — Lighting Requirements — Penalty.**

#### **ARTICLE II** **Other Vehicle Equipment**

- Section 375.140. Other Equipment of Motor Vehicles.**
- Section 375.150. Loads Which Might Become Dislodged to Be Secured — Failure — Penalty.**
- Section 375.160. Seat Belts.**
- Section 375.170. Transporting Children Under Sixteen Years of Age — Restraint Systems.**
- Section 375.180. Vision-Reducing Material Applied to Windshield or Windows Without Permit Prohibited — Penalty — Rules — Procedure.**
- Section 375.190. Headgear Required — Motorcycles or Motortricycles.**
- Section 375.200. Studded Tires — Prohibited When.**
- Section 375.210. Restriction on Use of Metal-Tired Vehicles.**
- Section 375.220. Passengers in Trucks.**
- Section 375.230. Altering Passenger Motor Vehicle by Raising Front or Rear of Vehicle Prohibited, When — Bumpers Front and Rear Required, When Certain Vehicles Exempt.**

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ARTICLE I  
**Light Regulations**

**Section 375.010. When Lights Required.**

- A. *"When lighted lamps are required"* means at any time from a half (½) hour after sunset to a half (½) hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet ahead. Lighted lamps shall also be required any time the weather conditions require usage of the motor vehicle's windshield wipers to operate the vehicle in a careful and prudent manner as defined in Section 304.012, RSMo. The provisions of this Section shall be interpreted to require lighted lamps during periods of fog even if usage of the windshield wipers is not necessary to operate the vehicle in a careful and prudent manner.
- B. *When Lights Required — Violation — Penalty.*
1. No person shall drive, move, park or be in custody of any vehicle or combination of vehicles on any street or highway during the times when lighted lamps are required unless such vehicle or combination of vehicles displays lighted lamps and illuminating devices as hereinafter in this Article required. No person shall use on any vehicle any approved electric lamp or similar device unless the light source of such lamp or device complies with the conditions of approval as to focus and rated candlepower.
  2. Notwithstanding the provisions of Section 307.120, RSMo., or any other provision of law, violation of this Section shall be deemed an infraction and any person who violates this Section as it relates to violations of the usage of lighted lamps required due to weather conditions or fog shall only be fined ten dollars (\$10.00) and no court costs shall be assessed.

**Section 375.020. Headlamp on Motor Vehicles.**

Except as in this Article provided, every motor vehicle other than a motor-drawn vehicle and other than a motorcycle shall be equipped with at least two (2) approved headlamps mounted at the same level with at least one (1) on each side of the front of the vehicle. Every motorcycle shall be equipped with at least one (1) and not more than two (2) approved headlamps. Every motorcycle equipped with a sidecar or other attachment shall be equipped with a lamp on the outside limit of such attachment capable of displaying a white light to the front.

**Section 375.030. Multiple-Beam Headlamps — Arrangement.**

- A. Except as hereinafter provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between

distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading.
2. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

#### **Section 375.040. Dimming of Lights — When.**

Every person driving a motor vehicle equipped with multiple-beam road lighting equipment, during the times when lighted lamps are required, shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations: Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet or is within three hundred (300) feet to the rear of another vehicle traveling in the same direction, the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the other driver, and in no case shall the high-intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five (25) feet ahead, and in no case higher than a level of forty-two (42) inches above the level upon which the vehicle stands at a distance of seventy-five (75) feet ahead.

#### **Section 375.050. Taillamps — Reflectors.**

- A. Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two (2) rear lamps, not less than fifteen (15) inches or more than seventy-two (72) inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear. Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of fifty (50) feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off only by the same control switch at all times.
- B. Every motorcycle registered in this State, when operated on a highway, shall also carry at the rear, either as part of the rear lamp or separately, at least one (1) approved red reflector which shall be of such size and characteristics and so maintained as to be visible during the times when lighted lamps are required from all distances within three hundred (300) feet to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps.

- C. Every new passenger car, new commercial motor vehicle, motor-drawn vehicle and omnibus with a capacity of more than six (6) passengers registered in this State after January 1, 1966, when operated on a highway shall also carry at the rear at least two (2) approved red reflectors, at least one (1) at each side, so designed, mounted on the vehicle and maintained as to be visible during the times when lighted lamps are required from all distances within five hundred (500) to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. Every such reflector shall meet the requirements of this Article and shall be mounted upon the vehicle at a height not to exceed sixty (60) inches nor less than fifteen (15) inches above the surface upon which the vehicle stands.
- D. Any person who knowingly operates a motor vehicle without the lamps required in this Section in operable condition is guilty of an infraction.

**Section 375.060. Auxiliary Lamps — Number — Location.**

Any motor vehicle may be equipped with not to exceed three (3) auxiliary lamps mounted on the front at a height not less than twelve (12) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands.

**Section 375.070. Cowl, Fender, Running Board and Backup Lamps.**

Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with not more than one (1) running board courtesy lamp on each side thereof which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with a backup lamp either separately or in combination with another lamp, except that no such backup lamp shall be continuously lighted when the motor vehicle is in forward motion.

**Section 375.080. Spotlamps.**

Any motor vehicle may be equipped with not to exceed one (1) spotlamp but every lighted spotlamp shall be so aimed and used so as not to be dazzling or glaring to any person.

**Section 375.090. Colors of Various Lamps — Restriction of Red Lights.**

Headlamps, when lighted, shall exhibit lights substantially white in color; auxiliary lamps, cowlamps and spotlamps, when lighted, shall exhibit lights substantially white, yellow or amber in color. No person shall drive or move any vehicle or equipment, except a school bus when used for school purposes or an emergency vehicle, upon any street or highway with any lamp or device thereon displaying a red light visible from directly in front thereof.

**Section 375.100. Limitations on Lamps Other Than Headlamps — Flashing Signals Prohibited Except on Specified Vehicles.**

Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spotlamps, front direction signals or auxiliary lamps which projects a beam of light of an intensity greater than three hundred (300) candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle. Alternately flashing warning signals may be used on school buses when used for school purposes and on motor vehicles when used to transport United States mail from post offices to boxes of addressees thereof and on emergency vehicles as defined in Section 300.010 of this Title and on buses owned or operated by churches, mosques, synagogues, temples or other houses of worship and on commercial passenger transport vehicles or railroad passenger cars that are stopped to load or unload passengers, but are prohibited on other motor vehicles, motorcycles and motor-drawn vehicles except as a means for indicating a right or left turn.

**Section 375.110. Limitation on Total of Lamps Lighted at One Time.**

At the times when lighted lamps are required, at least two (2) lighted lamps shall be displayed, one (1) on each side of the front of every motor vehicle except a motorcycle and except a motor-drawn vehicle except when such vehicle is parked subject to the provisions governing lights on parked vehicles. Whenever a motor vehicle equipped with headlamps as in this Article required is also equipped with any auxiliary lamps or a spotlight or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred (300) candlepower, not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

**Section 375.120. Other Vehicles — How Lighted.**

All vehicles, including agricultural machinery or implements, road machinery, road rollers, traction engines and farm tractors not in this Article specifically required to be equipped with lamps, shall be equipped during the times when lighted lamps are required with at least one (1) lighted lamp or lantern exhibiting a white light visible from a distance of five hundred (500) feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of five hundred (500) feet to the rear, and such lamps and lanterns shall exhibit lights to the sides of such vehicle.

**Section 375.130. Animal-Driven Vehicles — Lighting Requirements — Penalty.**

- A. Any person who shall place or drive or cause to be placed or driven upon or along any State highway of this City any animal-driven vehicle whatsoever, whether in motion or at rest, shall after sunset to one-half (½) hour before sunrise have attached to every such vehicle at the rear thereof a red taillight or a red reflecting device of not less than three (3) inches in diameter of effective area or its equivalent in area. When such device shall consist of reflecting buttons, there shall be no less than seven (7) of such buttons covering an area equal to a circle with a three (3) inch diameter. The total subtended effective angle of reflection of every such device shall be no less than sixty degrees (60°)

and the spread and efficiency of the reflected light shall be sufficient for the reflected light to be visible to the driver of any motor vehicle approaching such animal-drawn vehicle from the rear of a distance of not less than five hundred (500) feet.

- B. In addition, any person who operates any such animal-driven vehicle during the hours between sunset and one-half (½) hour before sunrise shall have at least one (1) light flashing at all times the vehicle is on any highway of this City. Such light or lights shall be amber in the front and red in the back and shall be placed on the left side of the vehicle at a height of no more than six (6) feet from the ground and shall be visible from the front and the back of the vehicle at a distance of at least five hundred (500) feet.
- C. Any person operating an animal-driven vehicle during the hours between sunset and one-half (½) hour before sunrise may, in lieu of the requirements of Subsection (B) of this Section, use lamps or lanterns complying with the rules promulgated by the Director of the Department of Public Safety.
- D. Any person violating the provisions of this Section shall be guilty of an ordinance violation.

## ARTICLE II Other Vehicle Equipment

### Section 375.140. Other Equipment of Motor Vehicles.

- A. *Signaling Devices.* Every motor vehicle shall be equipped with a horn, directed forward, or whistle in good working order capable of emitting a sound adequate in quantity and volume to give warning of the approach of such vehicle to other users of the highway and to pedestrians. Such signaling device shall be used for warning purposes only and shall not be used for making any unnecessary noise, and no other sound-producing signaling device shall be used at any time.
- B. *Muffler Cutouts.* Muffler cutouts shall not be used and no vehicle shall be driven in such manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device, or other parts, or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise as completely as is done in modern gas engine passenger motor vehicles. Any cutout or opening in the exhaust pipe between the motor and the muffler on any motor vehicle shall be completely closed and disconnected from its operating lever and shall be so arranged that it cannot automatically open, or be opened or operated, while such vehicle is in motion.
- C. *Brakes.* All motor vehicles, except motorcycles, shall be provided at all times with two (2) sets of adequate brakes kept in good working order, and motorcycles shall be provided with one (1) set of adequate brakes kept in good working order.
- D. *Mirrors.* All motor vehicles which are so constructed or loaded that the operator cannot see the road behind such vehicle by looking back or around the side of such vehicle shall be equipped with a mirror so adjusted as to reveal the road behind and be visible from the operator's seat.

- E. *Projections On Vehicles.* All vehicles carrying poles or other objects, which project more than five (5) feet from the rear of such vehicle, shall, during the period when lights are required by this Chapter, carry a red light at or near the rear end of the pole or other object so projecting. At other times a red flag or cloth, not less than sixteen (16) inches square, shall be displayed at the end of such projection.
- F. *Towlines.* When one vehicle is towing another, the connecting device shall not exceed fifteen (15) feet. During the time that lights are required by Sections 307.020 to 307.120, RSMo., the required lights shall be displayed by both vehicles. Every towed vehicle shall be coupled to the towing vehicle by means of a safety chain, cable or equivalent device in addition to the primary coupling device, except that such secondary coupling device shall not be necessary if the connecting device is connected to the towing vehicle by a center-locking ball located over or nearly over the rear axle and not supported by the rear bumper of the towing vehicle. Such secondary safety connecting devices shall be of sufficient strength to control the towed vehicle in the event of failure of the primary coupling device. The provisions of this Subsection shall not apply to wreckers towing vehicles or to vehicles secured to the towing vehicle by a fifth-wheel type connection. The provisions of this Subsection shall also not apply to farm implements or to any vehicle which is not required to be registered.
- G. *Commercial Motor Vehicles And Trailers.* When being operated on any highway, street or road of this City, commercial motor vehicles and trailers shall be equipped with adequate and proper brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel tank and any other safety equipment required by the State in such condition so as to obtain a certificate of inspection and approval as required by the provisions of Section 307.360, RSMo.
- H. Devices attached to or towed by motor vehicles for the purpose of transporting hay shall have the protruding parts raised or retracted when not in use to a position which will not cause injury or damage to persons or property in the vicinity of such device when on the highways, streets or roads of this City.

**Section 375.150. Loads Which Might Become Dislodged to Be Secured — Failure — Penalty.**

- A. All motor vehicles and every trailer and semi-trailer operating upon the public highways, streets or roads of this City and carrying goods or material or farm products which may reasonably be expected to become dislodged and fall from the vehicle, trailer or semi-trailer as a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or semi-trailer shall have a protective cover or be sufficiently secured so that no portion of such goods or material can become dislodged and fall from the vehicle, trailer or semi-trailer while being transported or carried.
- B. Operation of a motor vehicle, trailer or semi-trailer in violation of this Section shall be an ordinance violation, and any person convicted thereof shall be punished as provided by Section 100.220 of this Code.

**Section 375.160. Seat Belts.**

- A. As used in this Section, the term "*truck*" means a motor vehicle designed, used or maintained for the transportation of property.
- B. As used in this Section, the term "*passenger car*" means every motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons; except that the term "passenger car" shall not include motorcycles, motorized bicycles, motortricycles and trucks with a licensed gross weight of twelve thousand (12,000) pounds or more.
- C. Each driver, except persons employed by the United States Postal Service while performing duties for that Federal agency which require the operator to service postal boxes from their vehicles or which require frequent entry into and exit from their vehicles, and front seat passengers of a passenger car manufactured after January 1, 1968, operated on a street or highway in the City, and persons less than eighteen (18) years of age operating or riding in a truck, as defined in Subsection (A) of this Section, on a street or highway of this City shall wear a properly adjusted and fastened safety belt that meets Federal National Highway, Transportation and Safety Act requirements. No person shall be stopped, inspected or detained solely to determine compliance with this Subsection. The provisions of this Section and Section 375.170 of this Chapter, shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their body, nor shall the provisions of this Section be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities. Non-compliance with this Subsection shall not constitute probable cause for violation of any other provision of law. The provisions of this Subsection shall not apply to the transporting of children under sixteen years of age, as provided in Section 375.170 of this Chapter.
- D. Each driver of a motor vehicle transporting a child less than sixteen (16) years of age shall secure the child in a properly adjusted and fastened restraint under Section 375.170 of this Chapter.
- E. Except as otherwise provided for in Section 375.170 of this Chapter, each person found guilty of violating the provisions of Subsection (B) of this Section is 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.
- F. If there are more persons than there are seat belts in the enclosed area of a motor vehicle, then the passengers who are unable to wear seat belts shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front-seated area. The passenger or passengers occupying a seat location referred to in this Subsection is not in violation of this Section. This Subsection shall not apply to passengers who are accompanying a driver of a motor vehicle who is licensed under Section 302.178, RSMo.

**Section 375.170. Transporting Children Under Sixteen Years of Age — Restraint Systems.**

A. As used in this Section, the following terms shall have these prescribed meanings:

**CHILD BOOSTER SEAT** — A seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R 571.213, as amended, that is designed to elevate a child to properly sit in a Federally approved safety belt system.

**CHILD PASSENGER RESTRAINT SYSTEM** — A seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system.

**DRIVER** — A person who is in actual physical control of a motor vehicle.

B. Every driver transporting a child under the age of sixteen (16) years shall be responsible, when transporting such child in a motor vehicle operated by that driver on the streets or highways of this City, for providing for the protection of such child as follows:

1. Children less than four (4) years of age, regardless of weight, shall be secured in a child passenger restraint system appropriate for that child.
2. Children weighing less than forty (40) pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child.
3. Children at least four (4) years of age but less than eight (8) years of age, who also weigh at least forty (40) pounds but less than eighty (80) pounds, and who are also less than four (4) feet nine (9) inches tall, shall be secured in a child passenger restraint system or booster seat appropriate for that child.
4. Children at least eighty (80) pounds or children more than four (4) feet, nine (9) inches in height shall be secured by a vehicle safety belt or booster seat appropriate for that child.
5. 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.
6. When transporting children in the immediate family when there are more children than there are seating positions in the enclosed area of a motor vehicle, the children who are not able to be restrained by a child safety restraint device appropriate for the child shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front seat area. The driver transporting children referred to in this Subsection is not in violation of this Section.

This Subsection shall only apply to the use of a child passenger restraint system or vehicle safety belt for children less than sixteen (16) years of age being transported in a motor vehicle.

- C. Any driver who violates Subdivision (1), (2), or (3) of Subsection (B) herein, is guilty of an infraction and upon conviction may be punished by a fine of not more than fifty dollars (\$50.00) and court costs. Any driver who violates Subdivision (4) of Subsection (B) herein, is guilty of an infraction and, upon conviction, may be punished by a fine of not more than fifty dollars (\$50.00) and court costs. Any driver who violates Subdivision (4) of Subsection (B) herein, shall be subject to the penalty in Subsection (E) of Section 375.160 of this Chapter. If a driver receives a citation for violating Subdivision (1), (2) or (3) of Subsection (B) herein, the charges shall be dismissed or withdrawn if the driver prior to or at his/her hearing provides evidence of acquisition of a child passenger restraint system or child booster seat which is satisfactory to the Court or the party responsible for prosecuting the driver's citation.
- D. The provisions of this Section shall not apply to any public carrier for hire. The provisions of this Section shall not apply to students four (4) years of age or older who are passengers on a school bus designed for carrying eleven (11) passengers or more and which is manufactured or equipped pursuant to Missouri Minimum Standards for School Buses as school buses are defined in Section 301.010, RSMo.

**Section 375.180. Vision-Reducing Material Applied to Windshield or Windows Without Permit Prohibited — Penalty — Rules — Procedure.**

- A. Any person may operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun-screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five percent (35%) or more plus or minus three percent (3%) and a luminous reflectance of thirty-five percent (35%) or less plus or minus three percent (3%). Except as provided in Subsection (C) of this Section, any sun-screening device applied to front sidewing vents or windows located immediately to the left and right of the driver in excess of the requirements of this Section shall be prohibited without a permit pursuant to a physician's prescription as described below. A permit to operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun-screening device, in conjunction with safety glazing material, which permits less light transmission and luminous reflectance than allowed under the requirements of this Subsection may be issued by the Department of Public Safety to a person having a serious medical condition which requires the use of a sun-screening device if the permittee's physician prescribes its use. The Director of the Department of Public Safety shall promulgate rules and regulations for the issuance of the permit. The permit shall allow operation of the vehicle by any titleholder or relative within the second degree of consanguinity or affinity, which shall mean a spouse, each grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child and grandchild of a person who resides in the household. Except as provided in Subsection (B) of this Section, all sun-screening devices applied to the windshield of a motor vehicle are prohibited.

- B. This Section shall not prohibit labels, stickers, decalcomania or informational signs on motor vehicles or the application of tinted or solar-screening material to recreational vehicles as defined in Section 700.010, RSMo., provided that such material does not interfere with the driver's normal view of the road. This Section shall not prohibit factory-installed tinted glass, the equivalent replacement thereof or tinting material applied to the upper portion of the motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.
- C. Any vehicle licensed with a historical license plate shall be exempt from the requirements of this Section.
- D. Any person who violates the provisions of this Section is guilty of an ordinance violation.

**Section 375.190. Headgear Required — Motorcycles or Motortricycles.**

- A. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in this Title, upon any highway of this City shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the Director of Revenue.
- B. The penalty for failure to wear protective headgear as required by Subsection (A) of this Section shall be deemed an infraction for which a fine not to exceed twenty-five dollars (\$25.00) may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to Section 302.302, RSMo., for a failure to wear such protective headgear.

**Section 375.200. Studded Tires — Prohibited When.**

No person shall operate any motor vehicle upon any road or highway of this City between the first (1st) day of April and the first (1st) day of November while the motor vehicle is equipped with tires containing metal or carbide studs.

**Section 375.210. Restriction on Use of Metal-Tired Vehicles.**

- A. No metal-tired vehicle shall be operated over any of the improved highways of this City, except over highways constructed of gravel or claybound gravel, if such vehicle has on the periphery of any of the road wheels any lug, flange, cleat, ridge, bolt or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire unless the highway is protected by putting down solid planks or other suitable material or by attachments to the wheels so as to prevent such vehicles from damaging the highway, except that this prohibition shall not apply to tractors or traction engines equipped with what is known as caterpillar treads when such caterpillar does not contain any projection of any kind likely to injure the surface of the road. Tractors, traction engines and similar vehicles may be operated which have upon their road wheels "V" shaped, diagonal or other cleats arranged in such manner as to be continuously in contact with the road surface if the gross weight on the wheels per inch of width of such cleats

or road surface, when measured in the direction of the axle of the vehicle, does not exceed eight hundred (800) pounds.

- B. No tractor, tractor engine or other metal-tired vehicle weighing more than four (4) tons, including the weight of the vehicle and its load, shall drive onto, upon or over the edge of any improved highway without protecting such edge by putting down solid planks or other suitable material to prevent such vehicle from breaking off the edges of the pavement.
- C. Any person violating this Section, whether operating pursuant to a permit or not, or who shall willfully or negligently damage a highway, shall be liable for the amount of such damage caused to any highway, bridge, culvert or sewer, and any vehicle causing such damage shall be subject to a lien for the full amount of such damage, which lien shall not be superior to any duly recorded or filed chattel mortgage or other lien previously attached to such vehicle; the amount of such damage may be recovered in any action in any court of competent jurisdiction.

**Section 375.220. Passengers in Trucks.**

- A. As used in this Section, the term "*truck*" means a motor vehicle designed, used or maintained for the transportation of property.
- B. No person shall operate any truck, as defined in Subsection (A) of this Section, with a licensed gross weight of less than twelve thousand (12,000) pounds on any highway which is part of the State or Federal highway system or when such truck is operated within the corporate limits of the City when any person under eighteen (18) years of age is riding in the unenclosed bed of such truck. No person under eighteen (18) years of age shall ride in the unenclosed bed of such truck when the truck is in operation.
- C. The provisions of this Section shall not apply to:
  - 1. Any employee engaged in the necessary discharge of the employee's duties where it is necessary to ride in the unenclosed bed of the truck;
  - 2. Any person while engaged in agricultural activities where it is necessary to ride in the unenclosed bed of the truck;
  - 3. Any person riding in the unenclosed bed of a truck while such truck is being operated in a parade, caravan or exhibition which is authorized by law;
  - 4. Any person riding in the unenclosed bed of a truck if such truck has installed a means of preventing such person from being discharged or such person is secured to the truck in a manner which will prevent the person from being thrown, falling or jumping from the truck;
  - 5. Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purpose of participating in a special event and it is necessary that the person ride in such unenclosed bed due to a lack of available seating. "*Special event*", for the purposes of this Section, is a specific social activity of a definable duration which is participated in by the person riding in the unenclosed bed;

6. Any person riding in the unenclosed bed of a truck if such truck is being operated solely for the purposes of providing assistance to, or ensuring the safety of, other persons engaged in a recreational activity; or
7. Any person riding in the unenclosed bed of a truck if such truck is the only legally titled, licensed and insured vehicle owned by the family of the person riding in the unenclosed bed and there is insufficient room in the passenger cab of the truck to accommodate all passengers in the truck. For the purposes of this Section, the term "*family*" shall mean any persons related within the first degree of consanguinity.

**Section 375.230. Altering Passenger Motor Vehicle by Raising Front or Rear of Vehicle Prohibited, When — Bumpers Front and Rear Required, When Certain Vehicles Exempt.**

- A. No person shall operate any passenger motor vehicle upon the public streets or highways of this City, the body of which has been altered in such a manner that the front or rear of the vehicle is raised at such an angle as to obstruct the vision of the operator of the street or highway in front or to the rear of the vehicle.
- B. Every motor vehicle which is licensed in this State and operated upon the public streets or highways of this City shall be equipped with front and rear bumpers if such vehicle was equipped with bumpers as standard equipment. This Subsection shall not apply to motor vehicles designed or modified primarily for off-highway purposes, while such vehicles are in tow, or to motorcycles or motor-driven cycles, or to motor vehicles registered as historic motor vehicles when the original design of such vehicles did not include bumpers nor shall the provisions of this Subsection prohibit the use of drop bumpers. Maximum bumper heights of both the front and rear bumpers of motor vehicles shall be determined by weight category of gross vehicle weight rating (GVWR) measured from a level surface to the highest point of the bottom of the bumper when the vehicle is unloaded and the tires are inflated to the manufacturer's recommended pressure. Maximum bumper heights are as follows:

	<b>Maximum front bumper height</b>	<b>Maximum rear bumper height</b>
Motor vehicles except commercial motor vehicles	22 inches	22 inches
Commercial motor vehicles (GVWR) 4,500 lbs. and under	24 inches	26 inches
4,501 lbs. through 7,500 lbs.	27 inches	29 inches
7,501 lbs. through 9,000 lbs.	28 inches	30 inches
9,001 lbs. through 11,500 lbs.	29 inches	31 inches



## Chapter 380

### BICYCLES AND MOTORIZED BICYCLES

**Section 380.010. Bicycle and Motorized Bicycle — Defined.**

**Section 380.020. Brakes Required.**

**Section 380.030. Lights and Reflectors — When Required — Standards to Be Met.**

**Section 380.040. Rights and Duties of Bicycle and Motorized Bicycle Riders.**

**Section 380.050. Riding to Right — Required for Bicycles and Motorized Bicycles**

**— Mandatory Use of Bicycle Path by Bicycles.**

**Section 380.060. Bicycle to Operate on the Shoulder Adjacent to Roadway, When — Roadway Defined.**

**Section 380.070. Bicycle Required to Give Hand or Mechanical Signals.**

**Section 380.080. Penalty for Violation.**

**Section 380.090. Motorized Bicycles — License Required.**

**Section 380.100. Equipment Required.**

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#### **Section 380.010. Bicycle and Motorized Bicycle — Defined.**

As used in this Chapter, the following terms shall mean:

**BICYCLE** — Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, or two (2) parallel wheels and one (1) or two (2) forward or rear wheels, all of which are more than fourteen (14) inches in diameter, except scooters and similar devices.

**MOTORIZED BICYCLE** — Any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy.

#### **Section 380.020. Brakes Required.**

Every bicycle and motorized bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle or motorized bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.

**Section 380.030. Lights and Reflectors — When Required — Standards to Be Met.**

- A. Every bicycle and motorized bicycle when in use on a street or highway during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise shall be equipped with the following:
1. A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred (500) feet;
  2. A rear-facing red reflector, at least two (2) square inches in reflective surface area, or a rear-facing red lamp on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred (600) feet;
  3. Reflective material and/or lights on any part of the bicyclist's pedals, crank arms, shoes or lower leg visible from the front and the rear at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at two hundred (200) feet; and
  4. Reflective material and/or lights visible on each side of the bicycle or bicyclist and visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred (300) feet. The provisions of this Subsection shall not apply to motorized bicycles which comply with National Highway Traffic and Safety Administration regulations relating to reflectors on motorized bicycles.

**Section 380.040. Rights and Duties of Bicycle and Motorized Bicycle Riders.**

Every person riding a bicycle or motorized bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by Chapter 304, RSMo., and this Title, except as to special regulations in this Chapter, and except as to those provisions of Chapter 304, RSMo., and this Title, which by their nature can have no application.

**Section 380.050. Riding to Right — Required for Bicycles and Motorized Bicycles — Mandatory Use of Bicycle Path by 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.

**Section 380.060. Bicycle to Operate on the Shoulder Adjacent to Roadway, When — Roadway Defined.**

- A. A person operating a bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway may operate as described in Section 380.050 of this Chapter or may operate on the shoulder adjacent to the roadway.
- B. A bicycle operated on a roadway, or the shoulder adjacent to a roadway, shall be operated in the same direction as vehicles are required to be driven upon the roadway.
- C. For purposes of this Section and Section 380.050, "*roadway*" means that portion of a street or highway ordinarily used for vehicular travel, exclusive of the berm or shoulder.

**Section 380.070. Bicycle Required to Give Hand or Mechanical Signals.**

The operator of a bicycle shall signal as required in Section 340.190 of this Title, except that a signal by the hand and arm need not be given continuously if the hand is needed to control or operate the bicycle. An operator of a bicycle intending to turn the bicycle to the right shall signal as indicated in Section 340.190 of this Title or by extending such operator's right arm in a horizontal position so that the same may be seen in front and in rear of the vehicle.

**Section 380.080. Penalty for Violation.**

Any person seventeen (17) years of age or older who violates any provision of this Chapter is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00). If any person under seventeen (17) years of age violates any provision of this Chapter in the presence of a Police Officer, said officer may impound the bicycle or motorized bicycle involved for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner.

**Section 380.090. Motorized Bicycles — License Required.**

- A. No person shall operate a motorized bicycle on any highways, streets or roads in this City unless the person has a valid license to operate a motor vehicle.
- B. No motorized bicycle may be operated on any public thoroughfare located within this City which has been designated as part of the Federal interstate highway system.

**Section 380.100. Equipment Required.**

No person shall operate a motorized bicycle on any highways, streets or roads 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.



## Chapter 385

### LICENSING REQUIREMENTS

#### ARTICLE I Operator's Licenses

**Section 385.010. Driving While License Suspended or Revoked.**

**Section 385.020. Operation of Motor Vehicle Without Proper License Prohibited — Motorcycles — Special License.**

**Section 385.025. Effect of Revocation — Penalty.**

**Section 385.030. Prohibited Uses of License.**

**Section 385.040. Exemptions From License Law.**

#### ARTICLE II Vehicle Licensing

**Section 385.050. State Vehicle License Plates Required.**

**Section 385.055. Registration of Motor Vehicles Operated for First Time in State.**

**Section 385.060. Method of Displaying License Plates.**

**Section 385.070. Unauthorized Plates, Tags, Stickers, Signs.**

**Section 385.080. License Plates on Vehicles Displayed for Sale.**

**Section 385.090. Certificate of Ownership Required for Registered Vehicle.**

**Section 385.100. Transfer of Certificate of Ownership Upon Sale of Vehicle.**

**Section 385.110. Removal of Plates on Transfer of Vehicle — Use by Purchaser.**

**Section 385.120. Sale by Dealer.**

**Section 385.130. False Information by Dealer.**

#### ARTICLE III Miscellaneous Provisions

**Section 385.140. Financial Responsibility Required.**

**Section 385.150. Display of False Evidence of Insurance — Penalty — Confiscation of False Evidence.**

**Section 385.160. Alteration, Production or Sale of Invalid Insurance Card.**

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#### ARTICLE I Operator's Licenses

**Section 385.010. Driving While License Suspended or Revoked. <sup>1</sup>**

A person commits the offense of driving while revoked if such person operates a motor vehicle on a highway when such person's license or driving privilege has been canceled,

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1. Note — Under certain circumstances this offense can be a felony under state law.

suspended or revoked under the laws of this State or any other State and acts with criminal negligence with respect to knowledge of the fact that such person's driving privilege has been canceled, suspended or revoked.

**Section 385.020. Operation of Motor Vehicle Without Proper License Prohibited — Motorcycles — Special License. <sup>2</sup>**

- A. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by Section 385.040, to:
1. Operate any vehicle upon any highway in this City unless the person has a valid license as required by Chapter 302, RSMo., or a temporary instruction permit issued in compliance with Section 302.130, RSMo., or an intermediate driver's license issued in compliance with Section 302.178, RSMo., in his/her possession;
  2. Operate a motorcycle or motortricycle upon any highway of this City unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the Director of Revenue. The Director of Revenue may indicate such upon a valid license issued to such person or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by Section 302.173, RSMo., is conducted on such vehicle;
  3. Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;
  4. Operate a motor vehicle with an instruction permit, intermediate driver's license or license issued to another person;
  5. Operate a motor vehicle in violation of the provisions of Sections 302.130 and 302.178, RSMo., regarding accompaniment by a qualified driver or stated hours of operation; or
  6. Drive a commercial motor vehicle, unless fully licensed in compliance with Chapter 302, RSMo., except when operating under an instruction permit as provided for in Section 302.720, RSMo.

**Section 385.025. Effect of Revocation — Penalty.**

Any resident or non-resident whose license, right or privilege to operate a motor vehicle in this State has been suspended or revoked as provided in Sections 302.010 — 302.540, RSMo., shall not operate a motor vehicle in this State under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under Sections 302.010 — 302.540,

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2. Note — Under certain circumstances this offense can be a felony under state law.

RSMo. Violation of any provision of this Section is a misdemeanor and on conviction therefor a person shall be punished as prescribed by Section 302.321, RSMo.

**Section 385.030. Prohibited Uses of License.**

A. It shall be unlawful for any person to:

1. Display or to permit to be displayed, or to have in his/her possession, any license knowing the same to be fictitious or to have been canceled, suspended, revoked, disqualified or altered;
2. Lend to or knowingly permit the use of by another any license issued to the person so lending or permitting the use thereof;
3. Display or to represent as one's own any license not issued to the person so displaying the same;
4. Fail or refuse to surrender to the Clerk of any Division of the Circuit Court or the Director any license which has been suspended, canceled, disqualified or revoked as provided by law;
5. Use a false or fictitious name or give a false or fictitious address on any application for a license, or any renewal or duplicate thereof, or knowingly to make a false statement;
6. Knowingly conceal a material fact or otherwise commit a fraud in any such application;
7. Authorize or consent to any motor vehicle owned by him/her or under his/her control to be driven by any person, when he/she has knowledge that such person has no legal right to do so, or for any person to drive any motor vehicle in violation of any of the provisions of Sections 302.010 to 302.780, RSMo.;
8. Employ a person to operate a motor vehicle in the transportation of persons or property with knowledge that such person has not complied with the provisions of Sections 302.010 to 302.780, RSMo., or whose license has been revoked, suspended, canceled or disqualified or who fails to produce his/her license upon demand of any person or persons authorized to make such demand;
9. Operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license; or
10. Fail to carry his/her instruction permit, valid operator's license while operating a vehicle and to display instruction permit or said license upon demand of any Police Officer, court official or any other duly authorized person for inspection when demand is made therefor. Failure to exhibit his/her instruction permit or license as aforesaid shall be presumptive evidence that said person is not a duly licensed operator.

**Section 385.040. Exemptions From License Law.**

A. The following persons are exempt from license hereunder:

1. Any person while operating any farm tractor or implement of husbandry temporarily operated or moved on a highway;
2. A non-resident who is at least sixteen (16) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or country;
3. A non-resident who is at least eighteen (18) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or country which allows such person to operate a motor vehicle in the transportation of persons or property as classified in Section 302.015, RSMo.; or
4. Convicted offenders of the Department of Corrections who have not been convicted of a motor vehicle felony as follows — driving while intoxicated, failing to stop after an accident and disclosing his/her identity, or driving a motor vehicle without the owner's consent — may operate State-owned trucks for the benefit of the correctional facilities, provided that such offender shall be accompanied by a Correctional Officer or other staff person in such truck.

ARTICLE II  
**Vehicle Licensing**

**Section 385.050. State Vehicle License Plates Required.**

No person shall operate or park any motor vehicle or trailer upon any street or highway of this City unless such motor vehicle or trailer has properly displayed a valid license plate or plates or temporary permit issued to the lawful owner of the vehicle by the Department of Revenue of the State of Missouri, except that any person who is a non-resident of the State of Missouri may operate or park any motor vehicle or trailer upon any street or highway of this City, provided the motor vehicle or trailer has been duly registered for the current year in the State, country or other place of which the owner is a resident, provided that at all times such motor vehicle or trailer is being operated or parked upon the streets or highways of this City, the valid license plate or plates or temporary permit is properly displayed on such vehicle or trailer.

**Section 385.055. Registration of Motor Vehicles Operated for First Time in State.**

Application for registration of a motor vehicle not previously registered in Missouri, operated for the first time on the public highways of this State, and previously registered in another State shall be made within thirty (30) days after the owner of such motor vehicle has become a resident of this State.

**Section 385.060. Method of Displaying License Plates.**

No motor vehicle or trailer shall be operated on any highway of this City unless it shall have displayed thereon the license plate or set of license plates issued by the Director of Revenue or the State Highways and Transportation Commission and authorized by Section 301.140, RSMo. Each such plate shall be securely fastened to the motor vehicle in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds on the front and rear of such vehicles not less than eight (8) nor more than forty-eight (48) inches above the ground with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motor scooters shall be displayed on the rear of such vehicles with the letters and numbers thereon right side up. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand (12,000) pounds shall be displayed on the front of such vehicles not less than eight (8) nor more than forty-eight (48) inches above the ground with the letters and numbers thereon right side up, or if two (2) plates are issued for the vehicle pursuant to Subsection (3) of Section 301.130, RSMo., displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by Section 301.140, RSMo., when properly attached, shall be prima facie evidence that the required fees have been paid.

**Section 385.070. Unauthorized Plates, Tags, Stickers, Signs.**

No person shall operate a motor vehicle or trailer on which there is displayed on the front or rear thereof any other plate, tag or placard bearing any number except the plate furnished by the Director of Revenue or the placard herein authorized and the official license tag of any municipality of this State, nor shall there be displayed on any motor vehicle or trailer a placard, sign or tag bearing the words "license lost", "license applied for" or words of similar import as a substitute for such number plates or such placard.

**Section 385.080. License Plates on Vehicles Displayed for Sale.**

No person shall show, exhibit, display or have in possession for the purpose of sale any motor vehicle bearing or displaying thereon any number or license plates except those of the dealer or owner so displaying said motor vehicle; provided however, that where the motor vehicle is placed on consignment with a dealer by the owner thereof, there may be displayed a number or license plate issued to the owner thereof.

**Section 385.090. 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 as provided by law unless a certificate of ownership has been issued.

**Section 385.100. 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 an assignment thereof as provided in Section 301.210, RSMo., as amended, and the sale of any motor vehicle or trailer registered under the laws of this State, without the assignment of such certificate of ownership, shall be fraudulent and void.

**Section 385.110. Removal of Plates on Transfer of Vehicle — Use by Purchaser.**

Upon the transfer of ownership of any motor vehicle or trailer, the certificate of registration and the right to use the number plates shall expire and the number plates shall be removed by the owner at the time of the transfer of possession, and it shall be unlawful for any person other than the person to whom such number plates were originally issued to have the same in his/her possession whether in use or not; except that the buyer of a motor vehicle or trailer who trades in a motor vehicle or trailer may attach the license plates from the trade-in motor vehicle or trailer to the newly purchased motor vehicle or trailer. The operation of a motor vehicle with such transferred plates shall be lawful for no more than thirty (30) days. As used in this Section, the term "*trade-in motor vehicle or trailer*" shall include any single motor vehicle or trailer sold by the buyer of the newly purchased vehicle or trailer, as long as the license plates for the trade-in motor vehicle or trailer are still valid.

**Section 385.120. Sale by Dealer.**

Upon the sale of a motor vehicle or trailer by a dealer, a buyer who has made application for registration, by mail or otherwise, may operate the same for a period of thirty (30) days after taking possession thereof if during such period the motor vehicle or trailer shall have attached thereto, in the manner required by Section 301.130, RSMo., number plates issued to the dealer. Upon application and presentation of satisfactory evidence that the buyer has applied for registration, a dealer may furnish such number plates to the buyer for such temporary use. In such event, the dealer shall require the buyer to deposit the sum of ten dollars fifty cents (\$10.50), to be returned to the buyer upon return of the number plates, as a guarantee that said buyer will return to the dealer such number plates within thirty (30) days.

**Section 385.130. False Information by Dealer.**

No dealer shall advise any purchaser of a motor vehicle or trailer that such purchaser may drive such a motor vehicle or trailer without compliance with the foregoing license requirements.

**ARTICLE III**  
**Miscellaneous Provisions**

**Section 385.140. Financial Responsibility Required.**

- A. No owner of a motor vehicle registered in this State or required to be registered in this State shall operate the vehicle, or authorize any other person to operate the vehicle registered, or maintain registration of a motor vehicle, or permit another person to operate such vehicle upon the streets or the alleys of this City unless the owner maintains

the financial responsibility as required in this Section which conforms to the requirements of the laws of this State. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle. However, no owner shall be in violation of this Subsection if he/she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation.

- B. For purposes of this Section, the term "*financial responsibility*" shall mean the ability to respond in damages for liability on account of accidents occurring after the effective date of proof of said financial responsibility, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of twenty-five thousand dollars (\$25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident and, subject to said limit for one (1) person, in the amount of fifty thousand dollars (\$50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident and in the amount of ten thousand dollars (\$10,000.00) because of injury to or destruction of property of others in any one (1) accident.
- C. Proof of financial responsibility may be shown by any of the following:
  - 1. A current insurance identification card issued by a motor vehicle insurer or by the Director of Revenue of the State of Missouri for self-insurance. A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, or receipt which contains the name and address of the insurer, the name and address of the named insured, the policy number, the effective dates of the policy and a description by year and make of the vehicle, or at least five (5) digits of the vehicle identification number or the word "Fleet" if the insurance policy covers five (5) or more motor vehicles shall be satisfactory evidence of insurance in lieu of an insurance identification card.
  - 2. A certificate of the State Treasurer of a cash or security deposit according to Section 303.240, RSMo.
  - 3. A surety bond according to Section 303.230, RSMo.
- D. Proof of financial responsibility shall be carried at all times in the insured motor vehicle or by the operator of the motor vehicle if the proof of financial responsibility is effective as to the operator rather than to the vehicle. The operator of an insured motor vehicle shall exhibit the insurance identification card on the demand of any Peace Officer, commercial vehicle enforcement officer or commercial vehicle inspector who lawfully stops such operator or investigates an accident while that officer or inspector is engaged in the performance of the officer's or inspector's duties.
- E. However, no person shall be found guilty of violating this Section if the operator demonstrates to the court that he/she met the financial responsibility requirements of Section 303.025, RSMo., at the time the Peace Officer wrote the citation.
- F. Any person who violates any provisions of this Section shall be guilty of an ordinance violation 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) for each and every violation.

**Section 385.150. Display of False Evidence of Insurance — Penalty — Confiscation of False Evidence.**

No person shall display evidence of insurance to a Law Enforcement Officer knowing there is no valid liability insurance in effect on the motor vehicle as required pursuant to this Article or knowing the evidence of insurance is illegally altered, counterfeit or otherwise invalid as evidence of insurance. If the Law Enforcement Officer issues a citation to a motor vehicle operator for displaying invalid evidence of insurance, the officer shall confiscate the evidence for presentation in court. Any person convicted of violating this Section is guilty of an ordinance violation.

**Section 385.160. Alteration, Production or Sale of Invalid Insurance Card.**

No person shall alter an invalid insurance card to make it appear valid. No person knowingly shall make, sell or otherwise make available an invalid or counterfeit insurance card. Any person who violates this Section is guilty of an ordinance violation.

# Schedule I

## SPEED LIMITS

**Table I-A. Speed Limits.**

**Table I-A. Speed Limits.**

[Ord. No. 32 §1, 6-11-1917; Ord. No. 91 §1, 12-11-1934; Ord. No. 178 §1, 2-6-1950; Ord. No. 278 §§1 — 2, 10-5-1970; Ord. No. 398 §§1 — 2, 9-13-1982; Ord. No. 451 §1, 10-14-1985; Ord. No. 581 §1, 3-29-1993; Ord. No. 597 §1, 11-17-1994; Ord. No. 629 §1, 10-14-1999; Ord. No. 661 §1, 10-17-2002; Ord. No. 683 §§2 — 6, 5-17-2004]

In accordance with the provisions of Chapter 320, and when signs are erected giving notice thereof, it shall be unlawful for any person to drive a vehicle at a speed in excess of the speeds listed below on the streets as designated.

<b>Street</b>	<b>Speed Limit</b>
Eighth Street from Legion Drive to Oak Street	15 mph
Eighth Street from Legion Drive to Oak Street	15 mph (school zone from 7:30 A.M. to 4:00 P.M.)
Forest Street from Highway 52 (Fourth Street) to Second Street	15 mph (school zone from 7:30 A.M. to 4:00 P.M.)
Highway 52 (Fourth Street) from east City limit to Highway N (Industrial Drive)	45 mph
Highway 52 (Fourth Street) from Maple Street to Highway N (Industrial Drive)	35 mph
Highway 52 (Fourth Street) from west City limit to Maple Street	45 mph
Highway 135 south (Hickory Street) from Harrell to Highway 52 (Fourth Street)	35 mph
Highway 135 South (Hickory Street) from south City limit to Harrell	45 mph
Legion Drive from Highway 52 (Fourth Street) to Eighth Street	15 mph
Legion Drive	

<b>Street</b>	<b>Speed Limit</b>
from Highway 52 (Fourth Street) to Eighth Street	15 mph (school zone from 7:30 A.M. to 4:00 P.M.)
Maple Street from Highway 52 (Fourth Street) to Second Street	15 mph (school zone from 7:30 A.M. to 4:00 P.M.)
Oak Street from Highway 52 (Fourth Street) to Eighth Street	15 mph (school zone from 7:30 A.M. to 4:00 P.M.)
Oak Street from Seventh Street to Eighth Street	15 mph
Second Street from Walnut Street to Highway 135 South (Hickory Street)	20 mph
Seventh Street from Ash Road to Peach Street	15 mph
Seventh Street from Ash Road to Peach Street	15 mph (school zone from 7:30 A.M. to 4:00 P.M.)
Third Street from Maple Street to Forest Street	15 mph (school zone from 7:30 A.M. to 4:00 P.M.)

## Schedule II

### STOP AND YIELD SIGNS

**Table II-A. Stop Signs.**

**Table II-B. Yield Signs.**

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**Table II-A. Stop Signs.**

**[Ord. No. 317 §1, 9-7-1976; Ord. No. 397 §1, 9-13-1982; Ord. No. 523 §1, 2-13-1989; Ord. No. 571 §1, 7-13-1992]**

In accordance with Sections 335.040 and 335.050 of this Title and when signs are erected giving notice thereof, traffic at the intersections listed in this Table shall be required to stop as specified in this Table.

**Location**

1st Street northbound and southbound at Cherry Street  
2nd Street southbound at Cedar Street  
2nd Street southbound at North Walnut Street  
2nd Street northbound and southbound at Cherry Street  
2nd Street northbound at the southeast corner of Walnut Street  
2nd Street southbound at Elm Street  
3rd Street:  
    Both directions at its intersection with Maple Street  
    Both directions at its intersection with Forrest Street  
    Both directions at its intersection with Oak Street  
    Both directions at its intersection with Main Street  
    Both directions at its intersection with Cedar Street  
    Both directions at its intersection with Cherry Street  
5th Street eastbound at the southwest corner of East High Street  
5th Street at Illinois Street  
6th Street at Illinois Street  
7th Street northbound at Legion Street  
7th Street northbound at Hughes Street  
Cedar Street southbound at the southwest intersection of 3rd Street  
Cedar Street at 2nd Street  
Forrest Street, both directions, at its intersection with 1st Street  
High Street, both directions, at its intersection with 1st Street  
Hill Drive westbound at East Vine Street  
Hill Drive eastbound at West Park Avenue

**Location**

Hill Street westbound at the northeast corner of Vine Street  
 Illinois Street at 7th Street  
 Legion Drive southbound at the northwest corner of 7th Street  
 Main Street, both directions, at its intersection with 1st Street  
 Main Street at 1st Street  
 Missouri Avenue southbound at the northwest corner of 7th Street  
 North Walnut Street eastbound at West Second Street  
 North Highway eastbound at Bradhurst Drive  
 Nursing Home Drive and East 3rd Street northbound at the east intersection  
 Nursing Home Drive and East 3rd Street northbound at the west intersection  
 Oak Street, both directions, at its intersection with 1st Street  
 Park Avenue at Hill Drive  
 Peach Street southbound at the northwest corner of 6th Street  
 South Maple at Vine Street  
 South Walnut Street westbound at West Vine Street  
 South Forest Street at Vine Street  
 Vine Street northbound at Maple Street  
 Vine Street at Hill Drive  
 Vine Street northbound at Forrest Avenue  
 West City limits at 7th Street

**Table II-B. Yield Signs.**

In accordance with Sections 335.030, 335.040 and 335.060, and when signs are erected giving notice thereof, the driver of any vehicle approaching a yield sign shall slow down to a speed reasonable for existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard.

**Street/Direction of Traffic**

Reserved for future use.

## Schedule III

### PARKING RESTRICTIONS

**Table III-A. Parking Restrictions.**

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**Table III-A. Parking Restrictions.**

**[Ord. No. 515 §1, 10-10-1988; Ord. No. 517 §1, 12-12-1988; Ord. No. 539 §1, 11-20-1989; Ord. No. 572 §1(a), (b), 7-13-1992; Ord. No. 609 §1]**

As authorized by and in accordance with Section 355.010 of this Title, it shall be unlawful for the operator of a motor vehicle to stop, stand or park said motor vehicle at any one time or instance or location, as designated herein, except when necessary to avoid a conflict with the directions of a Police Officer or traffic control sign or signal.

<b>Location</b>	<b>Restriction</b>
Highway 52 (4th Street), north right-of-way beginning at the intersection of the east right-of-way of Missouri Street and the north right-of-way of Highway 52 (4th Street) and extending east along the north right-of-way of Highway 52 (4th Street) a distance of one hundred (100) feet.	No parking at any time
Highway 135, west of the centerline of the right-of-way of Route 135 between the intersection Highway 135 and Third Street within the City's limits.	No parking at any time
Fourth Street, south of the centerline of the right-of-way of Fourth Street between the intersection of Fourth Street and Highway 135 and the intersection of Fourth Street and Main Street within the City's limits.	No parking at any time
Oak Street, that portion of the north right-of-way of Oak Street and any location within the strip of right-of-way extending west ninety (90) feet from the northwest corner of the intersection to the right-of-ways of Fourth Street and Oak Street within the City's limits.	No parking at any time
Oak Street, north, between Seventh Street and Eighth Street on the east side within the City's limits.	No parking at any time
Oak Street, north, between Seventh Street and Eighth Street on the west side.	No parking except for loading and unloading when a vehicle is not left unattended.
Second Street, within thirty (30) feet easterly from the northeast intersection of the right-of-ways of Second Street and Oak Street within the City's limits.	No parking at any time

**Location**

Second Street, within thirty (30) feet easterly of the northeast intersection of Second Street and Forest Street in the City's limits.

**Restriction**

No parking at any time

## Schedule IV

### EMERGENCY SNOW ROUTES

**Table IV-A. Emergency Snow Routes.**

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**Table IV-A. Emergency Snow Routes.**

**[Ord. No. 720 Exh. A, 1-23-2006]**

As provided in Section 365.080, no person shall stop, stand, abandon a vehicle or park on or along the snow route or in any way interfere with the removal of snow during a snow emergency. The following streets or portions of streets are hereby declared emergency snow routes:

**Location**

Ash Road, between Highway 52 and Seventh Street  
Cedar Street, between Second Street and Fourth Street (Highway 52)  
Eighth Street, between Legion Drive and Oak Street  
First Street, between Maple Street and Buckbrush Lane  
Forest Street, between First Street and Fourth Street/Highway 52)  
Hughes Avenue, between Fourth Street (Highway 52) and Seventh Street  
Illinois Avenue, between Fourth Street (Highway 52) and Seventh Street  
Legion Drive, between Seventh Street and Eighth Street  
Main Street, between First Street and Fourth Street (Highway 52)  
Maple Street, between First Street and Fourth Street (Highway 52)  
Mimosa Drive, between Third Street and Fourth Street (Highway 52)  
Missouri Avenue, between Fourth Street (Highway 52) and Seventh Street  
Oak Street between First Street and Eighth Street  
Second Street, between Maple Street and Cedar Street  
Seventh Street, between Ash Road and Illinois Avenue  
Third Street, between Hickory Street (Highway 135) and Third Streets most eastern limit.



## **Schedule V**

### **CERTAIN TRUCKS RESTRICTED ON CERTAIN STREETS**

**Table V-A. Certain Trucks Restricted On  
Certain Streets.**

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**Table V-A. Certain Trucks Restricted On Certain Streets.**

**[Ord. No. 612 §§1 — 5, 6-12-1997]**

- A. The following word shall have the meaning set out below when used in this Schedule.

TRUCK — Any vehicle, machine, tractor, trailer or semi-trailer, or any combination thereof propelled or drawn by mechanical power and designated or used in the transportation of property upon the highways.

- B. No commercial vehicle or truck having a rate load capacity in excess of two (2) tons shall be driven on any street except:

1st Street from Hickory to Maple.

2nd Street from Hickory to Walnut.

4th Street from west City limits to east City limits.

7th Street from Ash to Oak.

Ash Street from 7th Street to 4th Street.

Hickory Street from 4th Street to south City limits.

Industrial Drive from 4th Street to north City limits.

Main Street from 4th Street to 1st Street.

Maple Street from 4th Street to 1st Street.

Mimosa Drive from 4th Street to 3rd Street.

Oak Street from 7th Street to 4th Street.

Walnut Street from 2nd Street to south City limits.

- C. Notice or sign reflecting this prohibition shall be required to be posted.
- D. No person shall operate or drive or cause to be operated or driven any motor truck or any commercial vehicle in excess of two (2) tons weight upon any residential street in the City, however, nothing contained herein shall be construed to impair the right to cross such street within the limits at intersection points nor to enter such streets where it is desired to deliver goods, wares or merchandise to a person resident upon such street.

- E. No person shall park any vehicle having a manufacturer's rated capacity of two (2) tons or greater or any vehicle, trailer or combination thereof or any vehicle or trailer having a load projecting from said vehicle or trailer, which has an overall length greater than twenty (20) feet or overall width greater than six and one-half (6 1/2) feet, upon any street, alley, public parking lot or other public place within the City limits except during the loading and unloading of freight, wares, goods or merchandise germane to the business or firm operating said vehicle.
- F. If any vehicle is found upon a street in violation of any provisions of this Schedule relating to the stopping, standing or parking and the identity of the operator cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation.

## **Schedule VI**

### **ANGLE PARKING**

**Table VI-A. Angle Parking.**

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**Table VI-A. Angle Parking.**

**[Ord. No. 106 §1, 8-10-1937]**

The following streets are designated parallel parking areas:

Any party or parties desiring to park any car or truck on streets running north from the north line of the main business street, otherwise called Second Street, up to Highway 52 and including the street at the G.A. Brunjes corner and east to and including the street running north at the Eckhoff Hardware Store corner shall park their car or truck parallel with the curbing of said streets, the right-hand fender not to exceed eighteen (18) inches from the curb line.



## **Schedule VII**

### **ONE-WAY STREETS**

**Table VII-A. One-Way Traffic During  
School Days Only.**

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**Table VII-A. One-Way Traffic During School Days Only.**

**[Ord. No. 829 §§1 — 3, 8-18-2014]**

The following streets shall be one-way during school days only:

#### **Location**

Oak Street Starting at 7th Street shall be one way during the hours of 7:30 A.M. to 8:30 A.M. and 2:00 P.M. to 3:30 P.M. on school days. A Do Not Enter sign will be set on Oak Street at the intersection of Oak Street and 7th Street. In the mornings from 7:30 A.M. to 8:30 A.M., the traffic will flow from 7th Street to N. Legion Drive to W. 8th Street to Oak Street. After school from 2:00 P.M. to 3:30 P.M., the students will leave the back parking lot to 8th Street to N. Legion Drive



TITLE IV  
LAND USE



**Chapter 400**  
**(RESERVED)**



**Chapter 405**  
**(RESERVED)**



**Chapter 410**  
**(RESERVED)**



## **Chapter 415**

### **FLOODPLAIN MANAGEMENT**

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**Section 415.020. Findings of Fact.**  
**Section 415.030. Statement of Purpose.**

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**Section 415.110. Floodplain Development  
Permit (Required).**  
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Floodplain  
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#### **ARTICLE VI** **Penalties for Violation**

**Section 415.240. Penalties for Violation.**

#### **ARTICLE VII** **Amendments**

**Section 415.250. Amendments.**

#### **ARTICLE VIII** **Definitions**

**Section 415.260. Definitions.**

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ARTICLE I**Statutory Authorization, Findings of Fact and Purposes****Section 415.010. Statutory Authorization.****[Ord. No. 784 §1, 3-16-2010]**

The legislature of the State of Missouri has in Sections 79.370 and 89.020, RSMo., delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety and general welfare. Therefore, the Board of Aldermen of the City of Stover, Missouri, ordains as follows.

**Section 415.020. Findings of Fact.****[Ord. No. 784 §1, 3-16-2010]**

- A. *Flood Losses Resulting From Periodic Inundation.* The special flood hazard areas of the City of Stover, State of Missouri are subject to inundation which results of loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.
- B. *General Causes Of The Flood Losses.* These flood losses are caused by:
1. The cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and
  2. The occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated or otherwise unprotected from flood damages.

**Section 415.030. Statement of Purpose.****[Ord. No. 784 §1, 3-16-2010]**

- A. It is the purpose of this Chapter to promote the public health, safety and general welfare; to minimize those losses described in Article I, Section 415.020(A); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(b) by applying the provisions of this Chapter to:
1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities;
  2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and

3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

## ARTICLE II General Provisions

### **Section 415.040. Lands to Which Chapter Applies.**

**[Ord. No. 784 §1, 3-16-2010]**

This Chapter shall apply to all lands within the jurisdiction of the City of Stover identified as unnumbered A zones on the Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM), as amended. In all areas covered by this Chapter, no development shall be permitted except through the issuance of a floodplain development permit granted by the Board of Aldermen or its designated representative under such safeguards and restrictions as the Board of Aldermen or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and as specifically noted in Article IV.

### **Section 415.050. Floodplain Administrator.**

**[Ord. No. 784 §1, 3-16-2010]**

The City Clerk is hereby designated as the Floodplain Administrator under this Chapter.

### **Section 415.060. Compliance.**

**[Ord. No. 784 §1, 3-16-2010]**

No development located within the special flood hazard areas of this community shall be located, extended, converted or structurally altered without full compliance with the terms of this Chapter and other applicable regulations.

### **Section 415.070. Abrogation and Greater Restrictions.**

**[Ord. No. 784 §1, 3-16-2010]**

It is not intended by this Chapter to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail. All other ordinances inconsistent with this Chapter are hereby repealed to the extent of the inconsistency only.

### **Section 415.080. Interpretation.**

**[Ord. No. 784 §1, 3-16-2010]**

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers is granted by State Statutes.

**Section 415.090. Warning and Disclaimer of Liability.****[Ord. No. 784 §1, 3-16-2010]**

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside unnumbered A Zones or land uses permitted within such areas will be free from flooding or flood damage. This Chapter shall not create a liability on the part of the City of Stover, any officer or employee thereof for any flood damages that may result from reliance on this Chapter or any administrative decision lawfully made thereunder.

**Section 415.100. Severability.****[Ord. No. 784 §1, 3-16-2010]**

If any Section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this Chapter shall not be affected thereby.

**ARTICLE III**  
**Administration**

**Section 415.110. Floodplain Development Permit (Required).****[Ord. No. 784 §1, 3-16-2010]**

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Article II, Section 415.040. No person, firm, corporation or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

**Section 415.120. Designation of Floodplain Administrator.****[Ord. No. 784 §1, 3-16-2010]**

The City Clerk is hereby appointed to administer and implement the provisions of this Chapter.

**Section 415.130. Duties and Responsibilities of Floodplain Administrator.****[Ord. No. 784 §1, 3-16-2010]**

A. Duties of the City Clerk shall include, but not be limited to:

1. Review of all application for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this Chapter have been satisfied;

2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State or local governmental agencies from which prior approval is required by Federal, State or local law;
3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
4. Issue floodplain development permits for all approved applications;
5. Notify adjacent communities and the State Emergency Management Agency prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
6. Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse;
7. Where base flood elevation from other source is utilized within unnumbered A Zones:
  - a. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
  - b. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;
  - c. When floodproofing techniques are utilized for a particular non-residential structure, the City Clerk shall require certification from a registered professional engineer or architect.

**Section 415.140. Application for Floodplain Development Permit.**

**[Ord. No. 784 §1, 3-16-2010]**

- A. To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:
  1. Describe the land which the proposed work is to be done by lot, block and tract, house and street address or similar description that will readily identify and specifically locate the proposed building or work;
  2. Identify and describe the work to be covered by the floodplain development permit;
  3. Indicate the use or occupancy for which the proposed work is intended;

4. Indicate the assessed value of the structure and the fair market value of the improvement;
5. Identify the existing base flood elevation and the elevation of the proposed development;
6. Give such other information as reasonably may be required by the City Clerk;
7. Be accompanied by plans and specifications for proposed construction; and
8. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

#### ARTICLE IV Provisions for Flood Hazard Reduction

##### **Section 415.150. General Standards.**

###### **[Ord. No. 784 §1, 3-16-2010]**

- A. No permit for floodplain development shall be granted for new construction, substantial improvements, and other improvements, including the placement of manufactured homes, within any unnumbered A Zone unless the conditions of this Section are satisfied.
- B. All areas identified as unnumbered A Zones on the FHBM or FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A Zones is subject to all provisions of this Chapter. If Flood Insurance Study data is not available, the community shall obtain, review and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources.
- C. All new construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:
  1. Design or adequate anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  2. Construction with materials resistant to flood drainage;
  3. Utilization of methods and practices that minimize flood damages;
  4. All electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
  5. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters and on-site waste disposal systems be located so as to avoid impairment or contamination; and

6. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
    - a. All such proposals are consistent with the need to minimize flood damage;
    - b. All public, utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage;
    - c. Adequate drainage is provided so as to reduce exposure to flood hazards; and
    - d. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.
- D. *Storage, Material And Equipment.*
1. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.
  2. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

#### **Section 415.160. Specific Standards.**

##### **[Ord. No. 784 §1, 3-16-2010]**

- A. In all areas of special flood hazard, once base flood elevation data is obtained as set forth in Article IV, Section 415.150(B), the following provisions are required:
1. *Residential construction.* New construction or substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above the base flood level.
  2. *Non-residential construction.* Construction or substantial improvement of any commercial, industrial or other non-residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above the base flood level or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article III, Section 415.130(7)(c).
  3. Require, for all new construction and substantial improvements, that fully enclosed areas below lowest floor used solely for parking of vehicles, building access or storage in an area other than a basement and that are subject to flooding shall be

designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and
  - b. The bottom of all opening shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- B. In all areas of special flood hazard, once floodway data is obtained as set forth in Article IV, Section 415.150(B), the following provisions are required:
1. The designated floodway shall be based on the standard that the area chosen for the floodway must be designed to carry the waters of the base flood without increasing the water surface elevation more than one (1) foot at any point; and
  2. The community shall prohibit any encroachments, including fill, new construction, substantial improvements and other development, within the designated regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

#### **Section 415.170. Manufactured Homes.**

##### **[Ord. No. 784 §1, 3-16-2010]**

- A. All manufactured homes to be placed within special flood hazard areas shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufacture homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- B. Require manufactured homes that are placed or substantially improved within numbered A Zones on the community's FHBM or FIRM on sites:
1. Outside of manufactured home park or subdivision;
  2. In a new manufactured home park or subdivision;
  3. In an expansion to an existing manufactured home park or subdivision; or
  4. In an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as the result of a flood,

be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one (1) foot above the base flood level and be securely attached to an adequate foundation system to resist flotation, collapse and lateral movement.

- C. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within unnumbered A Zones on the community's FHBM or FIRM, that are not subject to the provisions of Article IV, Section 415.170(B) of this Chapter, be elevated so that either:
1. The lowest floor of the manufactured home is one (1) foot above the base flood level; or
  2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

#### **Section 415.180. Recreational Vehicles.**

**[Ord. No. 784 §1, 3-16-2010]**

- A. Require that recreational vehicles placed on sites within unnumbered A Zones on the community's FHBM or FIRM either:
1. Be on the site for fewer than one hundred eighty (180) consecutive days; or
  2. Be fully licensed and ready for highway use\*; or
  3. Meet the permitting, elevating and the anchoring requirements for manufactured homes of this Chapter.

\*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions.

### **ARTICLE V**

#### **Floodplain Management Variance Procedures**

#### **Section 415.190. Establishment of Appeal Board.**

**[Ord. No. 784 §1, 3-16-2010]**

The Board of Aldermen as established by the City of Stover shall hear and decide appeals and requests for variances from the floodplain management requirements of this Chapter.

**Section 415.200. Responsibility of Appeal Board.****[Ord. No. 784 §1, 3-16-2010]**

- A. Where an application for a floodplain development permit is denied by the City Clerk, the applicant may apply for such floodplain development permit directly to the Appeal Board as defined in Article V, Section 415.190.
- B. The Board of Board of Aldermen shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the City Clerk in the enforcement of or administration of this Chapter.

**Section 415.210. Further Appeals.****[Ord. No. 784 §1, 3-16-2010]**

Any per aggrieved by the decision of the Board of Aldermen or any taxpayer may appeal such decision to the Circuit Court of Morgan County as provided in Missouri Statutes.

**Section 415.220. Floodplain Management Variance Criteria.****[Ord. No. 784 §1, 3-16-2010]**

- A. In passing upon such applications for variances, the Board of Aldermen shall consider all technical data and evaluations, all relevant factors, standards specified in other Sections of this Chapter and the following criteria:
  - 1. The danger to life and property due to flood damage;
  - 2. The danger that materials may be swept onto other lands to the injury of others;
  - 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - 4. The importance of the services provided by the proposed facility to the community;
  - 5. The necessity to the facility of a waterfront location, where applicable;
  - 6. The availability of alternative locations, not subject to flood damage, for the proposed use;
  - 7. The compatibility of the proposed use with existing and anticipated development;
  - 8. The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for that area;
  - 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - 10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

**Section 415.230. Conditions for Approving Floodplain Management Variances.**

**[Ord. No. 784 §1, 3-16-2010]**

- A. Generally, variances may be issued for new construction and substantial improvement to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures below the base flood level, providing Subsections (B) through (F) below have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.
- C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. Variances shall only be issued upon:
  1. A showing of good and sufficient cause,
  2. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
  3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- F. A community shall notify the applicant in writing over the signature of a community official that:
  1. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage, and
  2. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter.

ARTICLE VI  
**Penalties for Violation**

**Section 415.240. Penalties for Violation.**

**[Ord. No. 784 §1, 3-16-2010]**

- A. Violations of the provisions of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- B. Nothing herein contained shall prevent the City of Stover or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE VII  
**Amendments**

**Section 415.250. Amendments.**

**[Ord. No. 784 §1, 3-16-2010]**

The regulations, restrictions and boundaries set forth in this Chapter may from time to time be amended, supplemented, changed or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Stover. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management (FEMA). The regulations of this Chapter are in compliance with the National Flood Insurance Program (NFIP) regulations.

ARTICLE VIII  
**Definitions**

**Section 415.260. Definitions.**

**[Ord. No. 784 §1, 3-16-2010]**

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the same meaning they have in common usage and to give this Chapter its most reasonable application.

100-YEAR FLOOD — See "*BASE FLOOD*".

ACCESSORY STRUCTURE — The same as "*APPURTENANT STRUCTURE*".

ACTUARIAL RATES — See "*RISK PREMIUM RATES*".

ADMINISTRATOR — The Federal Insurance Administrator.

AGENCY — The Federal Emergency Management Agency (FEMA).

APPEAL — A request for review of the Floodplain Administrator's interpretation of any provision of this Chapter or a request for a variance.

APPURTENANT STRUCTURE — A structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

BASE FLOOD — The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASEMENT — Any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING — See "*STRUCTURE*".

CHIEF EXECUTIVE OFFICER or CHIEF ELECTED OFFICIAL — The official of the community who is charged with the authority to implement and administer laws, ordinances and regulations for that community.

COMMUNITY — Any State or area or political subdivision thereof which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

DEVELOPMENT — Any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

ELEVATED BUILDING — For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

ELIGIBLE COMMUNITY or PARTICIPATING COMMUNITY — A community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

EXISTING CONSTRUCTION — For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "*Existing construction*" may also be referred to as "*existing structures*".

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for serving the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of

utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

**FLOOD or FLOODING** — A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland, and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD HAZARD BOUNDARY MAP (FHBM)** — An official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A Zones.

**FLOOD INSURANCE RATE MAP (FIRM)** — An official map of a community on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

**FLOODPLAIN OR FLOOD-PRONE AREA** — Any land area susceptible to being inundated by water from any source (see "*FLOODING*").

**FLOODPLAIN MANAGEMENT** — The operation of an overall program of corrective and preventive measures for reducing flood drainage including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

**FLOODPLAIN MANAGEMENT REGULATIONS** — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of Police power. The term describes such State or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

**FLOODPROOFING** — Any combination of structural and non-structural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities or structures and their contents.

**FUNCTIONALLY DEPENDENT USE** — A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

**HISTORIC STRUCTURE** — Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a State Inventory of Historic Places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved State program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in States without approved programs.

**LOWEST FLOOR** — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, useable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built as to render the structure in violation of the applicable floodproofing design requirements of this Chapter.

**MANUFACTURED HOME** — A structure, transportable in one (1) or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "*manufactured home*" does not include a "*recreational vehicle*".

**MANUFACTURED HOME PARK OR SUBDIVISION** — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**MAP** — The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

**MARKET VALUE or FAIR MARKET VALUE** — An estimate of what is fair, economic, just and equitable value under normal local market conditions.

**MEAN SEA LEVEL** — For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

**NEW CONSTRUCTION** — For the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "*new construction*" means structures for which the start of construction commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION** — A manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is

completed on or after the effective date of floodplain management regulations adopted by the community.

NFIP — The National Flood Insurance Program (NFIP).

PARTICIPATING COMMUNITY — Also known as an eligible community, means a community in which the Administrator has authorized the sale of flood insurance.

PERSON — Includes any individual or group of individuals, corporation, partnership, association or any other entity, including Federal, State and local governments and agencies.

PRINCIPALLY ABOVE GROUND — At least fifty-one percent (51%) of the actual cash value of the structure, less land value, is above ground.

RECREATIONAL VEHICLE — A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REMEDY A VIOLATION — To bring the structure into compliance with Federal, State or local floodplain management regulations or, if this is not possible, to reduce the impacts of its non-compliance.

RISK PREMIUM RATES — Those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. Risk premium rates include provisions for operating costs and allowances.

SPECIAL FLOOD HAZARD AREA — See "*AREA OF SPECIAL FLOOD HAZARD*".

SPECIAL HAZARD AREA — An area having special flood hazards and shown on a FHBM or FIRM as Zones (unnumbered or numbered) A Zones or AE Zones.

START OF CONSTRUCTION — Includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvements were within one hundred eighty (180) days of the permit date. The "*actual start*" means either the first (1st) placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement,

the "*actual start of construction*" means the first (1st) alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STATE COORDINATING AGENCY** — That agency of the State Government or other office designated by the Governor of the State or by State Statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that State.

**STRUCTURE** — For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "*Structure*", for insurance purposes, means a walled and roofed building, other than gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

**SUBSTANTIAL DAMAGE** — Damage of any origin sustained by a structure whereby the costs of restoring the structure to pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** — Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications that have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**VARIANCE** — A grant of relief by the community from the terms of floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

**VIOLATION** — The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required by this Chapter is presumed to be in violation until such time as that documentation is provided.



## TITLE V

# BUILDING AND CONSTRUCTION



## Chapter 500

### DANGEROUS BUILDINGS

**Section 500.010. Purpose and Scope.**

**Section 500.020. Dangerous Buildings Defined.**

**Section 500.030. Dangerous Buildings Declared Nuisance.**

**Section 500.040. Standards for Repair, Vacation or Demolition.**

**Section 500.050. Building Inspector.**

**Section 500.060. Duties of Building Inspector — Procedure and Notice.**

**Section 500.070. Building Commissioner.**

**Section 500.080. Duties of the Building Commissioner.**

**Section 500.090. Insurance Proceeds — How Handled.**

**Section 500.100. Appeal.**

**Section 500.110. Emergencies.**

**Section 500.120. Violations — Disregarding Notices or Orders.**

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#### **Section 500.010. Purpose and Scope.**

It is the purpose of this Chapter to provide a just, equitable and practicable method for the repairing, vacation or demolition of buildings or structures that may endanger the life, limb, health, property, safety or welfare of the occupants of such buildings or the general public, and this Chapter shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in the City of Stover, Missouri.

#### **Section 500.020. Dangerous Buildings Defined.**

- A. All buildings or structures that are detrimental to the health, safety or welfare of the residents of the City and that have any or all of the following defects shall be deemed "*dangerous buildings*":
1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
  2. Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting member or members or fifty percent (50%) damage or deterioration of the non-supporting enclosing or outside walls or covering.
  3. Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or that have insufficient strength to be reasonably safe for the purpose used.

4. Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or the people of the City.
5. Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such building.
6. Those having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.
7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other adequate means of evacuation.
8. Those that have parts thereof that are so attached that they may fall and injure members of the public or property.
9. Those that because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this City.

**Section 500.030. Dangerous Buildings Declared Nuisance.**

All dangerous buildings or structures, as defined by Section 500.020 of this Chapter, are hereby declared to be public nuisances and shall be repaired, vacated or demolished as provided herein.

**Section 500.040. Standards for Repair, Vacation or Demolition.**

- A. The following standards shall be followed in substance by the Building Inspector and the Building Commissioner in ordering repair, vacation or demolition of any dangerous building.
  1. If the dangerous building can reasonably be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be ordered repaired.
  2. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.
  3. In all cases where a building cannot be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be demolished.
  4. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this Chapter or any ordinance of this City or Statute of the State of Missouri, it shall be repaired or demolished.

**Section 500.050. Building Inspector.**

The Chief of Police and Police Officers shall be the Building Inspector(s) within the meaning of this Chapter.

**Section 500.060. Duties of Building Inspector — Procedure and Notice.**

A. The Building Inspector(s) shall have the duty under this Chapter to:

1. Inspect or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such place to be a dangerous building when he/she has reasonable grounds to believe that any such building is dangerous.
2. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Chapter, and the Building Inspector determines that there are reasonable grounds to believe that such building is dangerous.
3. Inspect any building, wall or structure reported by the Fire or Police Departments of this City as probably existing in violation of this Chapter.
4. Notify the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the building or structure, as shown by the land records of the Recorder of Deeds of Morgan County, of any building or structure found by him/her to be a dangerous building or structure within the standards set forth in Section 500.020. Such notice shall be in writing and shall be given either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) consecutive weeks.

The notice required shall state that:

- a. The owner must vacate, vacate and repair, or vacate and demolish said building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this Chapter.
- b. The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession.
- c. The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Morgan County may, at his/her own risk, repair, vacate or demolish the building and clean up the property or have such work done;

provided, that any person notified under this Subsection to repair, vacate or demolish any building or clean up the property shall be given such reasonable time not exceeding thirty (30) days to commence the required work.

5. The notice provided for in this Section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building, a statement indicating that as a dangerous building said building or structure constitutes a nuisance, and an order requiring the designated work to be commenced within the time provided for in the above Subsection.
6. Report in writing to the City Building Commissioner the non-compliance with any notice to vacate, repair, demolish, clean up the property or upon the failure to proceed continuously with the work without unnecessary delay.
7. Appear at all hearings conducted by the Building Commissioner and testify as to the condition of dangerous buildings.
8. Immediately report to the Building Commissioner concerning any building found by him/her to be inherently dangerous and that he/she determined to be a nuisance per se. The Building Commissioner may direct that such building be marked or posted with a written notice reading substantially as follows:

"This building has been found to be a dangerous building by the Building Inspector. This notice is to remain on this building and/or property until it is repaired, vacated or demolished and the property is cleaned up in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Morgan County. It is unlawful to remove this notice until such notice is complied with."

Provided however, that the order by the Building Commissioner and the posting of said notice shall not be construed to deprive all persons entitled thereto by this Chapter to the notice and hearing prescribed herein.

#### **Section 500.070. Building Commissioner.**

The Mayor shall act as Building Commissioner under this Chapter.

#### **Section 500.080. Duties of the Building Commissioner.**

- A. The Building Commissioner shall have the powers and duties pursuant to this Chapter to:
  1. Supervise all inspections required by this Chapter and cause the Building Inspector to make inspections and perform all the duties required of him/her by this Chapter. Upon receiving a complaint or report from any source that a dangerous building exists in the City, the Building Commissioner shall cause an inspection to be made forthwith. If the Building Commissioner deems it necessary to the performance of his/her duties and responsibilities imposed herein, the Building Commissioner may request an inspection and report be made by any other City department or retain services of an expert whenever the Building Commissioner deems such service necessary.

2. Upon receipt of a report from the Building Inspector indicating failure by the owner, lessee, occupant, mortgagee, agent or other persons(s) having an interest in said building to commence work of reconditioning or demolition within the time specified by this Chapter or upon failure to proceed continuously with work without unnecessary delay, hold a hearing giving the affected parties full and adequate hearing on the matter.
3. Give written notice of said hearing, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of those modes of service, then by publication in a newspaper qualified to publish legal notices, at least ten (10) days in advance of the hearing date, to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Morgan County who may appear before the Building Commissioner on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice as provided herein. Any party may be represented by counsel and all parties shall have an opportunity to be heard.
4. Make written findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building within the terms of Section 500.020 of this Chapter.
5. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building and a nuisance and detrimental to the health, safety or welfare of the residents of the City, the Building Commissioner shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other persons(s) having an interest in said building as shown by the land records of the Recorder of Deeds of Morgan County to repair, vacate or demolish any building found to be a dangerous building and to clean up the property, provided that any person so notified shall have the privilege of either repairing or vacating and repairing said building, if such repair will comply with the ordinances of this City, or may vacate and demolish said dangerous building at his/her own risk to prevent the acquiring by the City of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building or a nuisance or detrimental to the health, safety or welfare of the residents of the City, no order shall be issued.
6. If the owner, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the Building Commissioner shall cause such building or structure to be repaired, vacated or demolished and the property cleaned up as the facts may warrant. If the Building Commissioner or other designated officer or officers issues an order whereby the building or structure is demolished, secured or repaired, or the property is cleaned up, the cost of performance shall be certified to the City Clerk or officer in charge of finance who shall cause a special tax bill or assessment therefor against the property to be prepared and collected by the City Collector or other official collecting taxes, unless the building or structure is

demolished, secured or repaired by a contractor pursuant to an order issued by the City and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in Sections 429.010 to 429.360, RSMo. Except as provided in Section 500.090, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid. Said tax bill or assessment shall bear interest at a rate of eight percent (8%) per annum until paid.

**Section 500.090. Insurance Proceeds — How Handled.**

- A. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, the following procedure is established for the payment of up to twenty-five percent (25%) of the insurance proceeds as set forth in this Subsection. This Subsection shall apply only to a covered claim payment that is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure:
1. The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment and shall pay such monies to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Chapter.
  2. The City shall release the proceeds and any interest that has accrued on such proceeds received under Subdivision (1) of this Subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after receipt of such insurance monies, unless the City has instituted legal proceedings under the provisions of Subsection (6) of Section 500.080. If the City has proceeded under the provisions of Subsection (6) of Section 500.080, all monies in excess of that necessary to comply with the provisions of Subsection (6) of Section 500.080 for the removal, securing, repair and clean up of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.
- B. If there are no proceeds of any insurance policy as set forth in Subsection (A) of this Section, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.
- C. This Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.
- D. This Section does not make the City a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.
- E. The Building Commissioner may certify that in lieu of payment of all or part of the covered claim payment under Subsection (A) that it has obtained satisfactory proof that

the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the Building Commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to Subsection (A) of this Section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided for in this Subsection.

**Section 500.100. Appeal.**

Any owner, occupant, lessee, mortgagee, agent or any other person(s) having an interest in a dangerous building as shown by the land records of the Recorder of Deeds of Morgan County may appeal such decision to the Circuit Court of Morgan County, as provided for in Sections 536.100 to 536.140, RSMo., if a proper record as defined in Section 536.130, RSMo., is maintained of the hearing provided for in Section 500.080 hereof. Otherwise, the appeal shall be made pursuant to the procedures provided for in Section 536.150, RSMo.

**Section 500.110. Emergencies.**

In cases where it reasonably appears that there is immediate danger to the health, life, safety or welfare of any person unless a dangerous building, as defined herein, is immediately repaired, vacated or demolished and the property is cleaned up, the Building Inspector shall report such facts to the Building Commissioner and the Building Commissioner may cause the immediate repair, vacation or demolition of such dangerous building. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in Sections 500.080 and 500.090.

**Section 500.120. Violations — Disregarding Notices or Orders.**

The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish said building given by the Building Commissioner or who shall fail to proceed continuously without unnecessary delay; and any person removing any notices provided for in this Chapter; and any person violating any other provisions of this Chapter shall be guilty of an ordinance violation and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00). Each day that a person fails to comply with an order of the Building Commissioner may be deemed a separate offense.



## **Chapter 505**

### **STREETS AND SIDEWALKS**

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ARTICLE I  
**Culverts and Drains**

**Section 505.010. Culverts and Drains — Specifications.**

**[Ord. No. 675 §1, 9-18-2003]**

- A. It is hereby declared unlawful for any person to install culverts or drains under driveways within the right-of-way of any City street or alley except in conformance with the following specifications:
1. No driveway or drain shall be installed without prior approval of the Street Superintendent of the City of Stover who shall establish the proper grade therefor. No drain or culvert shall be installed of any materials except corrugated steel piping, PVC having a minimum rating of FDR 35 or permanent re-enforced concrete construction as approved by the Street Superintendent of the City of Stover.
  2. Any existing driveway or drain deemed by the Street Superintendent of the City of Stover to be unsafe or inadequate for drainage shall be removed, repaired or replaced by the City of Stover with the cost of all materials, not including labor, to be reimbursed to the City of Stover by the landowner.

**Section 505.020. Enforcement.**

**[Ord. No. 675 §2, 9-18-2003]**

Enforcement of this Article shall be the responsibility of the Street Superintendent of the City of Stover or his/her appointed officer. Enforcement shall commence by providing notice to the owner of the property of violation of the terms in Section 505.010. The notice may be delivered by personal service, by certified mail or by ordinary mail. (If sent by ordinary mail, there will be a rebuttable presumption that the letter was delivered five (5) days after the date it was sent.) The notice shall generally describe the nature of the violation, the location of the property (using the mailing or popular address rather than a legal description when reasonably possible to do so) and ordering the property owner to, within a period of thirty (30) days from the receipt of the letter, comply with the terms in Section 505.010.

**Section 505.030. Failure of Property Owner to Abate.**

**[Ord. No. 675 §3, 9-18-2003]**

If the violation is present on the property thirty (30) days after the receipt of the notice by the property owner, the enforcement officer shall cause the same to be abated. (The costs of abatement may include a fee for the City's costs in administering this Article, which fee shall not exceed one hundred dollars (\$100.00).) The enforcement official shall certify the cost of such abatement to the City Clerk or other officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at

the collecting official's option, and shall be collected in the same manner and procedure as for collecting real estate taxes.

**Section 505.040. Penalty.**

**[Ord. No. 675 §4, 9-18-2003]**

Any person who fails to comply with the terms in Section 505.010 within thirty (30) days of being notified to do so by the notice/abatement order described in Section 505.020 above shall be summons by the Chief of Police or his/her appointed officer and be charged in Municipal Court with the offense of "failure to comply with City Ordinance No. 675" and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00).

**ARTICLE II  
Sidewalks**

**Section 505.050. Authority From Board to Construct.**

**[Ord. No. 216, 4-6-1959]**

No person shall construct or repair any sidewalk or reconstruct or change the guttering or curbing adjacent thereto without first obtaining authority to do so from the Board of Aldermen. All work of constructing or repairing sidewalks, curbing or drain pipes or grading or preparation for same shall be done under the supervision and direction of the City Engineer or Street Commissioner.

**Section 505.060. Constructed on Petition of Citizens.**

**[Ord. No. 216, 4-6-1959]**

Upon the petition of ten (10) citizens the Board of Aldermen may, by ordinance, order the construction of sidewalks along any street or part thereof or along any other highway or part thereof or may upon its own motion order the building or repair of sidewalks. Said ordinance, in case of new sidewalks, shall specify the material and width of said sidewalk. After and upon the approval of said ordinance, the City Engineer or some competent person appointed by the Mayor and the Board of Aldermen for that purpose shall immediately, unless otherwise provided by ordinance, prepare plans and specifications for such improvement and make an estimate of the cost thereof and submit the same to the Board of Aldermen and thereupon said City Engineer and/or other competent person appointed by the Mayor and Board of Aldermen for that purpose shall notify in writing the owners of the property if residents of the City, along which said sidewalk is proposed to be constructed, to construct such sidewalk in the manner provided by ordinance within sixty (60) days from the date of said notice; and it shall be the duty of such owners of such property to construct such sidewalk within said time; and if such owner or owners of such property fail or refuse to construct such sidewalk within said time and in the manner provided by ordinance, then such City Engineer or other competent person appointed by the Mayor and Board of Aldermen for that purpose shall, unless otherwise provided by ordinance, advertise for sealed bids for such work for not less than one

(1) week in some weekly newspaper published in the City of Stover, provided that no such estimate shall be required for the making of any local or special repairs.

**Section 505.070. Notice to Contain.**

**[Ord. No. 216, 4-6-1959]**

- A. Aforesaid notice and advertisement shall state all such facts as to fully inform the bidder concerning the proposed improvements and the time when the bids will be opened by the Board of Aldermen. All such bids shall be sealed and addressed to the Mayor and shall be opened by the Board of Aldermen at the first (1st) regular meeting held after said week's publication has expired or as soon thereafter as can be. Each bid shall be accompanied by a certified check, the amount determined by the Board of Aldermen, made payable to the Mayor, which check shall become the absolute property of the City in the event the successful bidder should refuse to enter into the hereinafter mentioned contract and bond within the specified time and in which event the Board of Aldermen may advertise for new bids.
- B. For good reason, the Board of Aldermen may reject any and all bids and order said work to be readvertised or said Board of Aldermen may award the contract for such work to the lowest and best bidder for the same in accordance with aforesaid plans and specifications; provided no contract shall be awarded for any such work or improvements for a price exceeding the estimate of the cost of such work. Said award shall be by ordinance or resolution.

**Section 505.080. Contract and Bond.**

**[Ord. No. 216, 4-6-1959]**

Every person whose bid for public work or improvement mentioned in this Article is accepted and to whom such contract is awarded by the City shall, within ten (10) days after said acceptance, enter into a written contract with said City to do and complete the same according to plans and specifications and ordinances within the time agreed upon and without negligence causing or tending to cause damage to private property for which they might be held liable; and providing that all cases where the work is done is to be paid for by special tax bills, the contractor shall accept payment for said work in special tax bills against the property liable therefor and that the City shall not, in any event, be held liable for any sum whatever for the doing of such work. Said contract shall be signed by the Mayor on behalf of said City and shall be executed in duplicate and the one held by the City shall be filed in the office of the City Clerk. The successful bidder, at the time the contract is entered into, shall give the City of Stover a good and solvent bond in such amount as the Board of Aldermen may require with at least two (2) good and solvent sureties, at least one (1) of whom shall be a resident of Morgan County, Missouri, to be approved by the Mayor conditioned that the contractor will faithfully comply with the terms and conditions of such contract and that he/she will pay for all labor and materials employed or used in the work provided for in said contract. Such bond shall be filed with the City Clerk.

**Section 505.090. Street Commissioner to Supervise Work.****[Ord. No. 216, 4-6-1959]**

Unless otherwise provided by ordinance, all work done under contract entered into under the provisions of this Article shall be done and carried on under the supervision and direction of the Street Commissioner who shall personally inspect the work as it progresses and see that the same is done in accordance with the plans and specifications, contract and ordinance governing the same. Each part must be by him/her approved before that portion of the work next to follow is commenced. On the completion of any such work, if in the opinion of the Street Commissioner or other person appointed by the Board of Aldermen said work shall be done and completed in accordance with the contract, plans and specifications and ordinances, he/she shall so report to the Board of Aldermen.

**Section 505.100. Changes in Contract.****[Ord. No. 216, 4-6-1959]**

No change shall be made in any contract, plans or specifications except by the written consent of the contractor and consent of the Board of Aldermen expressed by a vote in favor of such change of a majority of all members elected to the Board of Aldermen. The Street Commissioner or any other person in charge or superintending any such work is hereby expressly prohibited from directing, consenting to or permitting any work to be done in any way different from the provisions of such contract and plans and specifications.

**Section 505.110. Acceptance of Work and Levy of Tax.****[Ord. No. 216, 4-6-1959]**

- A. Whenever said work is completed by the contractor in compliance with the contract, plans, specifications and ordinances pertaining thereto, the Board of Aldermen shall, by resolution of ordinance, accept such work.
- B. Upon such acceptance the Board of Aldermen shall, by ordinance, make special assessments and levy and assess a special tax for the cost of such improvements against the abutting property lots or/of parcels of ground liable for said costs for its proportionate part of said costs per running foot in the name of the owner or owners of said land upon data furnished by the Board of Aldermen or other authorized person as to the total cost of said improvement, the total number of running feet fronting and abutting said improvements, a correct description of each lot or parcel of ground abutting said improvements, together with the number of running feet thereof and the name of the property owner or owners thereof, the proportionate cost per front foot as properly apportioned and the amount of special tax against each lot or parcel of ground. Provided that, corner lots shall be charged with the cost of constructing the sidewalks from the corner of the lot to the curb line of intersecting street, alley or highway.

**Section 505.120. Special Tax Bills.****[Ord. No. 216, 4-6-1959]**

After and upon the assessment and levy of said special tax as specified in the next preceding Section, the City Clerk shall make out special tax bills payable to the City for such improvements in conformity with aforesaid assessments and which tax bills shall be signed by the Mayor and attested by said Clerk under the Seal of the City and shall be delivered to the contractor for the work. Said special tax bills shall bear interest after thirty (30) days from date of issue at the rate of eight percent (8%) per annum and shall be a lien against the lot or parcel of ground described therein until paid. Said tax bills shall be collected by action brought in the name of the City for the use of the contractor or his/her assignee. In any such action thereon they shall be prima facie evidence of the regularity of the proceedings for such special assessments, of the validity of the bill and of doing the work and furnishing the material charged for and of the liability of the property to the charge stated in the bill. Said tax bills shall be assignable and collectable in any action brought by the holder or owner of said bills, but the City shall not be liable for the costs in any such suit in any action brought by the owner or holder of said bills.

**Section 505.130. City May Construct or Repair.****[Ord. No. 216, 4-6-1959]**

Whenever the City shall advertise for bids for the construction of any new sidewalk of any kind, as provided in Section 505.060 of this Article, or for the construction of sidewalks condemned by ordinance) or resolution and shall receive no bids therefor, the City may, by ordinance or resolution, direct the City Engineer or Street Commissioner or both to construct or reconstruct said sidewalk at its own expense and such officer or officers shall keep an accurate account of the amount expended for labor and material, including grading and filling, opposite each lot or parcel of ground and present the same to the Board of Aldermen for assessment. Each lot or piece of ground abutting on the walk constructed shall be liable for the cost thereof as reported to the Board of Aldermen by the officer or officers directed by ordinance or resolution to do or have done such work. There may be as many assessments included in one (1) ordinance as there are lots or parcels of ground reported as having received resulting benefits from the construction or reconstruction of any such sidewalks; and the Clerk shall issue tax bills payable to the City against each of the lots of ground for the amount for which it is liable. All such tax bills shall be assignable and be a lien on the lot or piece of ground therein described until paid and shall be collectable in any action brought by the City in its own name and to its own use; but where any such tax bill has been assigned, the City shall not in any event be liable for any costs that may accrue in such action; nor shall the City be liable for the amount of any tax bills after the same is so assigned. Such special tax bill shall, in an action thereon, be prima facie evidence of the validity of such bills, of the doing of the work and the furnishing the materials charged for and of the liability of the property to the charge stated in such bill. Said tax bills shall bear eight percent (8%) interest from thirty (30) days after the date of their issuance until paid.

**Section 505.140. Defective Walks Condemned.****[Ord. No. 216, 4-6-1959]**

Whenever the Board of Aldermen shall, by ordinance, condemn any wooden or defective sidewalk, it may in its discretion direct the Street Commissioner to deliver a copy of such ordinance or resolution to the owner or the agent of the owner of such premises abutting upon said sidewalk so condemned, accompanied by a notice signed by said Street Commissioner, requiring the person therein notified to reconstruct said sidewalk as may be necessary within such time as the Board of Aldermen may designate by its ordinance or resolution. Said ordinance or resolution shall state the width of and material for said sidewalks and such other matters as the Board of Aldermen may deem proper and necessary. Said work shall be carried on under the supervision of the City Engineer or Street Commissioner as the Board of Aldermen may direct.

**Section 505.150. Failure to Reconstruct.****[Ord. No. 216, 4-6-1959]**

Whenever any person so notified to reconstruct his/her sidewalk in the place of the one condemned, as provided in the preceding Section, shall fail and neglect to do so within the time required in said notice, said Board of Aldermen may proceed in the manner specified in Section 505.130 of this Article.

**Section 505.160. Concrete Walks — How Constructed.****[Ord. No. 216, 4-6-1959]**

- A. The concrete shall not be less than three (3) inches in thickness and shall rest upon a bed of well compacted cinders or gravel not less than four (4) inches in thickness. The concrete shall be mixed in the following proportions:
1. Portland cement — one (1) measure
  2. Clean, sharp sand — two (2) measures
  3. Stone or gravel — five (5) measures

It shall be mixed from time to time as required for use; the whole to be mixed thoroughly in a box, dry, and water to be added only to so much as can be used at once. It shall be immediately laid in place to a thickness less by one-half ( $\frac{1}{2}$ ) inch than required by the specifications. As soon as this is done and before the cement has time to set, the surface shall be roughened by scratching and the top layer composed of one (1) part Portland cement and one (1) part clean sharp sand shall be spread over it to a uniform thickness of one-half ( $\frac{1}{2}$ ) inch. It shall be then smoothed with plasterer's trowel. The concrete shall be laid in sections not less than three (3) feet square, except as may be otherwise specially provided.

**Section 505.170. Cement Block Pavements — How Constructed.****[Ord. No. 216, 4-6-1959]**

Cement block pavements shall not be less than one-half (½) inch thick and shall be laid in a bed of cinders not less than four (4) inches deep and upon the cinders a bed of sand solidified by tamping. The blocks all to be laid in mortar and joints shall be filled with dry cement.

**Section 505.180. Local or Special Repairs.****[Ord. No. 216, 4-6-1959]**

Local or special repairs of sidewalks, not involving the entire reconstruction thereof and sidewalks abutting on the premises of any one (1) owner, may be made by the Street Commissioner as the exigencies of the case require. Such Commissioner shall keep an accurate account of the work and report the same to the Board of Aldermen for assessment and each lot or piece of ground abutting of such sidewalk shall be liable for its part of the cost of said repairs made along or in front of such lot or piece of ground as reported to the Board of Aldermen and special tax bills shall issue therefor; provided that, before the Board of Aldermen shall make the assessment, the Street Commissioner may present an account of the cost of the repairs to the owner or agent of the owner of the property as to which the repairs were made and if the owner or agent shall pay the same within five (5) days, no assessment shall be made. If the said owner or agent shall fail or omit to pay the same within said time, said assessment shall be made by the Board of Aldermen and the special tax bill shall be issued against the property for the cost of such repairs. Such tax bill shall constitute a lien on the property and may be collected on action brought thereon by the City in its own name; and such tax bills shall be prima facie evidence of its regularity and validity and the legality of the charges therein made. The foregoing provisions of this Section shall not be construed to prohibit the repairs mentioned therein by the abutting property owner at his/her own expense, where the same are made with the consent and under the direction of the Street Commissioner.

**Section 505.190. Interest on Tax Bills.****[Ord. No. 216, 4-6-1959]**

All tax bills issued under the provisions of this Article, except as herein otherwise provided, shall bear interest not exceeding eight percent (8%) per annum from thirty (30) days after issuance until paid.

**Section 505.200. Tax Bills Containing What May Be Corrected.****[Ord. No. 216, 4-6-1959]**

All special tax bills shall be signed by the Mayor and attested by the City Clerk with the Seal of the City and shall be made out by the Clerk in conformity with the assessment for such improvement and from data furnished by the City Engineer or Street Commissioner and shall be against the property liable for said improvement in the name of the owner thereof; and shall have a description of said property, the proportionate cost per running foot and the

amount for which the particular property is liable and, when practicable, the number of square feet contained in the improvement and the material used. When the work is done by the City, the tax bill shall so state.

**Section 505.210. Abstract Made by City Clerk.**

**[Ord. No. 216, 4-6-1959]**

The City Clerk shall, upon completion of all special tax bills issued under the provisions of this Article, enter an abstract thereof in a special book provided for the purpose. Said abstract shall recite the date of the tax bill, the name of the property owner and the person in whose favor it is issued and a description of the property subject to the lien; amount of tax bill; the character of the improvement for which for which it is issued. When any tax bill is assigned, such assignment shall be noted thereon and the assignee shall exhibit the same to the City Clerk who shall on the margin of said bill (tax) appropriately note such assignment.

**Section 505.220. To Whom to Be Paid.**

**[Ord. No. 216, 4-6-1959]**

The party liable to pay such tax bills may either pay the owner of such tax bill or he/she may pay the amount of tax bill to the City Collector who shall accept the money and make out a duplicate receipt therefor, one (1) of which he/she shall deliver to the person so paying the tax and the other he/she shall file with the City Clerk. Thereupon the Clerk shall note the filing of the receipt on the margin of the abstract of the tax bill and mark the same "cancelled" and shall affix his/her name to such cancellation with date thereof, such cancellation shall have effect to extinguish all liability or right of action of such tax bill. The Collector, on presentation to him/her of the tax bill by its owner, shall pay to him/her the amount thereof, take his/her duplicate therefor, one (1) of which he/she shall file with the City Clerk who shall note upon the margin of the abstract of the tax bill and the other the Collector shall retain. The Collector shall be liable on his/her bond for said collection and shall receive as compensation for his/her services a commission of two percent (2%) of the amount collected by him/her. All tax bills issued to the City for work done by it under the provisions of this Article shall be delivered to the City Collector who shall collect the same without delay.

**Section 505.230. General Rules of Construction — Violations.**

**[Ord. No. 216, 4-6-1959]**

All sidewalks shall be constructed, reconstructed or repaired with such material and in such manner as the Board of Aldermen may direct. Their width shall extend from the building line to the curbing, unless otherwise authorized by the Board of Aldermen, and shall have a fall toward the curbing of one-fourth ( $\frac{1}{4}$ ) inch to twelve (12) inches. It shall be the policy of the City so far as practicable to cause the materials and dimensions of sidewalks to be uniform on the same blocks. Any person, including contractor, occupant, owner or agent of the same, violating any of the provisions of this Section by using material other than directed by the Board of Aldermen or by refusing to conform to the proper grade of dimensions shall be

guilty of a misdemeanor punished by a fine of not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).

**Section 505.240. Interference With Officer.**

**[Ord. No. 216, 4-6-1959]**

Any interference with the duties of the City Engineer or Street Commissioner or any other officer of the City as prescribed in this Article or with any person employed by them shall be deemed a misdemeanor and the person guilty thereof shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).

**Section 505.250. Draining Water on Walk — City May Abate.**

**[Ord. No. 216, 4-6-1959]**

No water or other drainage shall run from a house or other structure or from any premise over the sidewalks and all conduits, drain pipes or gutters conduiting said water or said drainage from said house or other structure or premises shall be placed entirely under the surface of the sidewalks. After taking effect of this Article the Street Commissioner may notify the owner or his/her agent or the occupant of any house or structure or premises permitting water or other drainage to run therefrom over the sidewalk to cause said conduit or gutter or drain pipe to be placed under the sidewalk. Said work shall be done under the direction and supervision of the Street Commissioner. Any failure on the part of any person so notified to comply with this Section within ten (10) days after the service of notice aforesaid shall be deemed a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). After service of notice as aforesaid, the neglect of the owner or agent or occupant of the premises to place the guttering, conduit or drainage pipe under the sidewalk within the time required, the Board of Aldermen may, by ordinance or resolution, direct the City Engineer or Street Commissioner to do the work required in said notice. Said Commissioner or engineer as the case may be shall keep an accurate account of the costs of said work, including the material thereof. If the owner or occupant as aforesaid shall, upon presentation to him/her of said account, refuse or fail to pay the same, the Board of Aldermen may in its discretion assess said account as a special tax against the lot or piece of ground abutting on said improvement and a special tax bill shall issue therefor. Said bills shall be a lien upon the property against which they are levied and shall be prima facie evidence of their validity and the regularity of the proceedings thereunder and of the costs of the work therein charged for. They shall be sued on by the City and their collection enforced in the same manner as a special tax bill for other work done directly by the City in reference to sidewalks.

**Section 505.260. Crossing.**

**[Ord. No. 216, 4-6-1959]**

All vehicle crossings from the streets to the gateways used by teams or private alleys shall have good substantial platforms or culverts between the streets and sidewalks, built so as to permit the water to pass freely under the crossing and not obstruct the highway, and shall be kept clear and open by the owner or occupant of the property, lot or lots in front of or on the

side of which said crossing is situated. Any approach or crossing to and from private property to any street or alley not complying with above requirements shall be deemed an obstruction to the public street and forthwith removed and the owner or occupant of the lot or property shall be deemed guilty of a misdemeanor and punished by a fine of no less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00), and in addition thereto the cost of putting in a good and sufficient approach to the sidewalk or alley may be assessed and recovered in the manner provided for in this Article for the assessment and recovery for construction of sidewalks.

**Section 505.270. Notices — How Served.**

**[Ord. No. 216, 4-6-1959]**

All notices required by this provisions of this Article shall be served on the persons named therein, either personally, or by leaving the same at his/her usual place of abode with some member of his/her family over fifteen (15) years of age, or he/she may be served by registered mail through the proper post office of such person if a non-resident of the City. Any notice hereinbefore required to be served by the Street Commissioner may be served with like effect by the Chief of Police or any regular Policemen.

**Section 505.280. Grade and Construction of Sidewalks.**

**[Ord. No. 216, 4-6-1959]**

Unless otherwise required by ordinance directing the construction of the same, all sidewalks in the City of Stover shall be constructed upon the natural grade and the same shall be determined by the property owner constructing such sidewalk at his/her own expense.

**Section 505.290. Obstructing Sidewalks.**

**[Ord. No. 216, 4-6-1959]**

Any person who shall, lead, drive, ride or place any horse, team or beast of burden or hogs, cattle or sheep or any bicycle or motor vehicle, carriage or wagon or other vehicle used for locomotion, except baby buggies and baby carts, on any sidewalk or footway in this City, otherwise than going into or out of any premises or crossing any street crossing, shall be, upon conviction thereof, deemed guilty of a misdemeanor.

**ARTICLE III  
Streets**

**Section 505.300. Obstructions Prohibited.**

**[Ord. No. 93 §1]**

It shall be unlawful for any person, firm or corporation to place, erect, construct or maintain any obstruction of any sort whatsoever, upon any street, avenue, alley, parkway, street parking or other public place in the City of Stover, Missouri. The maintenance of ornamental trees, shrubs and other obstructions upon street parkings near or in front of premises occupied by

the person so placing the same shall not be deemed a violation of this Section, unless the same shall, in the opinion of the Mayor and Street Commissioner, constitute an obstruction to the free and perfect use of the streets and walks of the City.

**Section 505.310. Notice to Remove Obstruction — Procedure.**

**[Ord. No. 93 §2]**

Should the Mayor and Street Commissioner deem any shrub, tree or other ornamental thing on any street parking to be an obstruction as provided for in Section 505.300 hereof, they shall give the owner of the property adjoining such parking a written notice to remove the said obstruction within fifteen (15) days of the service of such notice, the said notice to be served as other notices by the Chief of Police and signed by both the Mayor and Street Commissioner. Should such person so notified fail to remove such obstruction as above provided within the time specified, they may be removed by the Street Commissioner in like manner with other obstructions.

**Section 505.320. Failure to Remove Obstruction — Penalty.**

**[Ord. No. 93 §3; Ord. No. 443 §3, 9-9-1985]**

Any person placing any obstruction upon any street, avenue, alley, parking, parkway or other public place in said City of Stover as prohibited in Section 505.300 hereof or failing to remove the same after due notice as provided in Section 505.310 hereof shall be deemed guilty of a misdemeanor. Each day any obstruction remains upon the streets shall constitute a separate and distinct offense.

**Section 505.330. Street Commissioner — Duties.**

**[Ord. No. 93 §4]**

It shall be the duty of the Street Commissioner at the direction of the Mayor to remove any and all obstructions which violate Sections 505.300 or 505.310 hereof or either or both of them.

**Section 505.340. Property Owner — Responsibilities.**

**[Ord. No. 93 §5]**

It shall be the duty of property owners to get a permit from the City to plant any trees or shrubs or to erect any other obstruction on any street, avenue, alley, parkway, street parking or any other public place in the City and also said property owner shall secure a permit to remove same.

## **Chapter 510**

### **HOUSING REHABILITATION LOAN PROGRAM**

#### **Section 510.010. Purpose.**

#### **Section 510.020. General Objectives.**

#### **Section 510.030. Process.**

#### **Section 510.040. Qualifications.**

#### **Section 510.050. Loan Amounts.**

#### **Section 510.060. Repayment.**

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#### **Section 510.010. Purpose.**

**[Ord. No. 642 §1, 5-24-2001]**

The purpose of the rehabilitation program is to correct code violations, overcrowded or unsanitary conditions to improve the housing and living environment for persons of low to moderate income levels living in the City of Stover, Missouri. All procedures or program replacements shall comply with this Chapter and with implementing loan guidelines which are on file in the City Offices.

#### **Section 510.020. General Objectives.**

**[Ord. No. 642 §2, 5-24-2001]**

- A. The program is devised to conserve the City's present housing stock.
- B. Low to moderate income families, as hereinafter defined in Section 510.040, will receive rehabilitation work.
- C. A quarterly review of the program shall be conducted to determine if changes or refinements are needed.
- D. City codes will be followed in all work performed and in the installation of all materials.
- E. All work will be done by qualified and licensed contractors.
- F. Loans are limited to one (1) per property.
- G. The program will encompass the target area as outlined in the community development application as noted herein in Section 510.040(E).
- H. The Housing and Advisory Board shall be responsible for the making of all decisions as to the method used in rehabilitating the property with the right of appeal by the owner to the Governing Body of the City.
- I. Competitive bids shall be let on each project and the lowest responsible selected, subject to the approval of the Housing and Advisory Board (and the Governing Body of the City). Minority contractors may receive negotiated bids, if approved by the Housing and Advisory Board (and the Governing Body of the City). If less than three (3) bids are received, an estimate from the rehabilitation inspector will be used as a bid. Any bid

within ten percent (10%) of this estimate may then be accepted. The City reserves the right to throw out the low bid if at least four (4) bids are received.

- J. Inspections of the work shall be made to insure that it fulfills the terms of the loan and contract agreement before payment is submitted.
- K. The Board of Aldermen, Housing and Advisory Board members, City employees and City Officers shall not be eligible for loan assistance, contract or subcontract for any work or have any personal interest, direct or indirect, in any contract under this project.

#### **Section 510.030. Process.**

##### **[Ord. No. 642 §3, 5-24-2001]**

- A. This is a voluntary program. All interested persons must make application before any action can be taken.
- B. Applicants who qualify will be taken on a first come, first served basis. An emergency situation will receive priority. All decisions pertaining to emergencies will be made by the Housing and Advisory Board, which decision must be approved by the Governing Body of the City before becoming effective.
- C. A complete house inspection will be made by the Program Housing Inspector. A deficiency list will be prepared and submitted to the property owner. A work write-up will be prepared, as well as a cost estimate. All decisions concerning repairs to be made to the structure will be made by the Housing and Advisory Board with the right of appeal by the owner to the Governing Body of the City.
- D. All items on the work write-up as well as other pertinent information will be discussed with the owner, Housing and Advisory Board and contractor before a contract is signed and any allowable revisions may be made at that time.

#### **Section 510.040. Qualifications.**

##### **[Ord. No. 642 §4, 5-24-2001]**

- A. Income limits for applicants are those as approved by HUD for the State of Missouri's Community Development Block Grant Program for the year of the date each application is submitted to the City.
- B. Property will be eligible only if the owner signs an agreement to repay the full loan amount if the property rehabilitated is sold within five (5) years of contract completion, or if rental property, the rent received by the owner is increased in violation of the rent-freeze agreement executed for this property.
- C. An owner-applicant must not have net assets in excess of one hundred thousand dollars (\$100,000.00) excluding equity in property.
- D. The owner must have a recorded deed of ownership. A contract for deed properly executed shall constitute ownership, only if it contains provisions indicated in the

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Section 510.040

Section 510.060

attached guidelines. The buyer and the seller will be required to make joint application and jointly execute the contract for rehabilitation work. The same applies to renter-applicant, both renter and owner shall be required to jointly apply and execute the contract.

- E. Only properties within the target area will be eligible for loan assistance, except in circumstances which involve disability needs or emergency assistance as set out in the City's grant application and the State's CDBG program limitations.

### **Section 510.050. Loan Amounts.**

**[Ord. No. 642 §5, 5-24-2001]**

The amount of any approved forgivable loan will not exceed the total cost of the rehabilitation, not to exceed the sum of fifteen thousand dollars (\$15,000.00) and a repayable loan not to exceed fifteen thousand dollars (\$15,000.00) as indicated in the guidelines which are on file in the City Offices or twenty-five thousand dollars (\$25,000.00) for substantial reconstruction.

### **Section 510.060. Repayment.**

**[Ord. No. 642 §6, 5-24-2001]**

Recipients do not repay grants unless a violation of Section 510.040 of this Chapter occurs.



## **Chapter 515**

### **MANUFACTURED HOMES, CAMPERS, TRAVEL TRAILERS, AND RECREATIONAL VEHICLES**

#### **ARTICLE I**

##### **Definitions**

##### **Section 515.010. Definitions.**

#### **ARTICLE II**

##### **Manufactured Homes**

##### **Section 515.020. Manufactured Homes Not Permitted On Streets Or Alleys.**

##### **Section 515.030. Manufactured Homes Regulated Based On The Requirements Of This Section.**

##### **Section 515.040. Manufactured Homes Shall Be Anchored.**

##### **Section 515.050. Seal.**

##### **Section 515.060. Skirting.**

##### **Section 515.070. Manufactured Homes Used For Temporary Job Site Offices.**

##### **Section 515.080. Violations And Penalties.**

#### **ARTICLE III**

##### **Campers, Travel Trailers Or Recreational Vehicles**

##### **Section 515.090. Campers, Travel Trailers Or RVs.**

##### **Section 515.100. Violations And Penalties.**

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#### **ARTICLE I**

##### **Definitions**

##### **Section 515.010. Definitions.**

**[Ord. No. 870, 11-18-2019]**

As used in this Chapter the following terms shall have the meanings indicated:

**MANUFACTURED HOME** (sometimes referred to as a **MOBILE HOME**) — A factory-built structure regulated by the United States Department of Housing and Urban Development, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, contains three hundred twenty-five (325) or more square feet, equipped with the necessary service connections and made to be readily movable as a unit or units on site and designed as a dwelling unit or units.

**CAMPER** (sometimes referred to as a **TRAVEL TRAILER**) — A factory built structure which, in the traveling mode, has dimensions less than that of a manufactured home, is designed for human occupation and is capable of movement by being pulled behind a vehicle.

**RV or RECREATIONAL VEHICLE** — Any motor vehicle equipped with living space and amenities found in a home.

## ARTICLE II

**Manufactured Homes****Section 515.020. Manufactured Homes Not Permitted On Streets Or Alleys.****[Ord. No. 870, 11-18-2019]**

A manufactured home shall not be temporarily or permanently parked or located on any public street or alley within the City limits

**Section 515.030. Manufactured Homes Regulated Based On The Requirements Of This Section.****[Ord. No. 870, 11-18-2019]**

- A. The owner and occupier of any manufactured home which is located for the first time within the City on or after November 18, 2019, or is relocated from or within the corporate City limits on or after November 18, 2019, shall comply with the requirements of this Section.
- B. The manufactured home shall not be more than five (5) years old, shall not have paint that is chipping or peeling from its sides or roof and it shall not have any rust, or rust stains.
- C. Footings shall be inspected prior to pouring concrete, and foundation must be inspected prior to pouring concrete.
- D. Manufactured homes shall be supported on a continuous, engineered concrete and rebar footing and foundation. The foundation shall be designed of either rebar and concrete or rebar and masonry blocks so the vertical rebar ties the footing and foundation together to support the weight of the longitudinal I-beams under the trailer. An additional masonry wall shall be permanently constructed with mortar along the perimeter. These perimeter walls shall be constructed as a continuous wall under the total length of all sides of the trailer to a height equal to the bottom of the trailer.
- E. Two (2) or more manufactured homes shall not be attached together, nor shall any manufactured home be attached to any other structure.
- F. Axles, wheels and trailer tongue shall be removed.

**Section 515.040. Manufactured Homes Shall Be Anchored.****[Ord. No. 870, 11-18-2019]**

All manufactured homes located within the City shall be anchored and tied down in accordance with the requirements of Section 700.065, RSMo., and the regulations promulgated thereunder.

**Section 515.050. Seal.**

**[Ord. No. 870, 11-18-2019]**

No person shall own or occupy a manufactured home manufactured after January 1, 1974, within the City that does not at all time bear the proper seal required by the provisions of Chapter 700, RSMo.

**Section 515.060. Skirting.**

**[Ord. No. 870, 11-18-2019]**

Unless otherwise regulated or exempted, mobile homes shall have skirting attached to the trailer made of at least five-sixteenths (5/16) inch thick cement fiber board or at least one and one-half (1 1/2) inch thick foam backed vinyl.

**Section 515.070. Manufactured Homes Used For Temporary Job Site Offices.**

**[Ord. No. 870, 11-18-2019]**

- A. Shall not have paint that is chipping or peeling from its sides or roof and it shall not have any rust, or rust stains.
- B. Shall be anchored and tied down in accordance with the requirements of Section 700.065, RSMo., and the regulations promulgated thereunder.
- C. Bear the proper seal required by the provisions of Chapter 700, RSMo.
- D. Shall have skirting attached to the trailer made of at least five-sixteenths (5/16) inch thick cement fiber board or at least one and one-half (1 1/2) inch thick foam backed vinyl.

**Section 515.080. Violations And Penalties.**

**[Ord. No. 870, 11-18-2019]**

- A. Any person, including, but not limited to, the tenant of a property or the owner of a property where the camper, travel trailer or RV is situated who pleads guilty or is found guilty within a 12-month period beginning with the first conviction is as follows:

First conviction	\$200.00, includes court costs
Second conviction	\$275.00, includes court costs
Third conviction	\$350.00, includes court costs
Fourth and subsequent convictions	\$450.00, includes court costs
- B. Violations of this Code are continuous with respect to time, and each day the violation continues may be charged as a separate offense.

## ARTICLE III

**Campers, Travel Trailers Or Recreational Vehicles****Section 515.090. Campers, Travel Trailers Or RVs.****[Ord. No. 870, 11-18-2019]**

- A. A camper, travel trailer or RV shall not be occupied as a permanent or temporary residence within the City unless a permission is received for building a new home.
- B. A camper, travel trailer or RV may be stored on property in the City provided the following criteria are met:
  - 1. Camper, travel trailer or RV owner and property owner are the same person.
  - 2. There is no visible rust, rust stains, weather checked tires or partially attached molding.
  - 3. Only one (1) camper, travel trailer or RV may be stored by an owner and only one (1) may be stored on any lot, parcel, or property.
  - 4. Campers, travel trailers or RVs shall be stored on gravel and kept weed and grass free.
  - 5. No utilities shall be hard wired to the camper, travel trailer or RV.
- C. Requirements for permit of temporary residence in a camper, travel trailer or RV include the following:
  - 1. Property owner is building a new home with a minimum living space of one thousand five hundred (1,500) square feet.
  - 2. The camper, travel trailer or RV is owned by the property owner and is situated on the property of the owner.
  - 3. The property owner has a plan showing a timeline of progression stages with a projected completion date from start to finish not more than six (6) months.
  - 4. The camper, travel trailer or RV may not be occupied prior to fourteen (14) days before construction start date.

**Section 515.100. Violations And Penalties.****[Ord. No. 870, 11-18-2019]**

- A. Any person, including, but not limited to, the tenant of a property or the owner of a property where the camper, travel trailer or RV is situated who pleads guilty or is found guilty within a 12-month period beginning with the first conviction is as follows:

First conviction	\$200.00, includes court costs
Second conviction	\$275.00, includes court costs
Third conviction	\$350.00, includes court costs
Fourth and subsequent convictions	\$450.00, includes court costs

- B.    Violations of this Code are continuous with respect to time, and each day the violation continues may be charged as a separate offense.



## TITLE VI

# BUSINESS AND OCCUPATION



## Chapter 600

### ALCOHOLIC BEVERAGES

**Section 600.010. Definitions.**

**Section 600.015. Sale by the Drink Defined.**

**Section 600.020. License Required — Classes of Licenses.**

**Section 600.030. License Regulations.**

**Section 600.035. Sales of Liquor Prohibited Near Schools and Churches.**

**Section 600.040. Schedule of License Fees.**

**Section 600.045. Temporary Location for Liquor by the Drink, Caterers — Permit — Fee Required.**

**Section 600.050. Application for License and Renewal.**

**Section 600.060. Minors.**

**Section 600.070. Miscellaneous Offenses.**

**Section 600.080. Warning Sign Displayed — Liquor Licenses.**

**Section 600.090. Administration of Law — License Suspension.**

**Section 600.100. Hearings Upon Suspension or Revocation of Licenses.**

**Section 600.110. Additional Penalties.**

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#### **Section 600.010. Definitions.**

When used in this Chapter, the following words shall have the following meanings:

**AMUSEMENT PLACE** — Any establishment whose business building contains a square footage of at least six thousand (6,000) square feet, and where games of skill commonly known as billiards, volleyball, indoor golf, bowling or soccer are usually played or has a dance floor of at least twenty-five hundred (2,500) square feet or any outdoor golf course with a minimum of nine (9) holes, and which has annual gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts is in non-alcoholic sales.

**CLOSED PLACE** — A place where all doors are locked and where no patrons are in the place or about the premises.

**INTOXICATING LIQUOR** — Alcohol for beverage purposes, including alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes containing in excess of one-half of one percent (0.5%) by volume, except for non-intoxicating beer as defined herein. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter.

**LIGHT WINES** — An intoxicating liquor consisting of wine containing not in excess of fourteen percent (14%) of alcohol by weight made exclusively from grapes, berries and other fruits and vegetables.

**MALT LIQUOR** — An intoxicating liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight manufactured from pure hops or pure extract of hops, or pure barley malt, or wholesome grains or cereals, and wholesome yeast, and pure water.

**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 (0.5%) by volume and not exceeding three and two-tenths percent (3.2%) by weight.

**ORIGINAL PACKAGE** — Any package sealed or otherwise closed by the manufacturer so as to consist of a self-contained unit, and consisting of one (1) or more bottles or other containers of intoxicating liquor or non-intoxicating beer, where the package and/or container(s) describes the contents thereof as intoxicating liquor or non-intoxicating beer. "*Original package*" shall also be construed and held to refer to any package containing three (3) or more standard bottles of beer.

**PERSON** — An individual, association, firm, joint stock company, syndicate, partnership, corporation, receiver, trustee, conservator, or any other officer appointed by any State or Federal court.

**RESORT** — Any establishment having at 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 dollars (\$75,000.00) per year with at least fifty thousand dollars (\$50,000.00) of such gross receipts from non-alcoholic sales, or means a seasonal resort restaurant with food sales as determined in Subsection (2) of Section 311.095, RSMo. Any facility which is owned and operated as a 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 food receipts requirements of this definition, 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.

**RESTAURANT BAR** — Any establishment having a restaurant or similar facility on the premises at least fifty percent (50%) 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 dollars (\$200,000.00) from the sale of prepared meals or food consumed on such premises.

#### **Section 600.015. Sale by the Drink Defined.**

The sale of any intoxicating liquor except malt liquor, in the original package, in any quantity less than fifty (50) milliliters shall be deemed "*sale by the drink*" and may be made only by a holder of a retail liquor dealer's license and, when so made, the container in every case shall

be emptied and the contents thereof served as other intoxicating liquors sold by the drink are served.

**Section 600.020. License Required — Classes of Licenses.**

- A. No person shall sell or offer for sale intoxicating liquor or non-intoxicating beer in the City of Stover without a currently valid liquor license issued by the City. A separate liquor license shall be required for each of the categories and subcategories of liquor sales in which the licensee desires to engage as set forth herein.
- B. *General Licenses.* Any person possessing the qualifications and meeting the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor or non-intoxicating beer:
  - 1. *Package liquor — malt liquor only:* Sales of malt liquor at retail in the original package not for consumption on the premises where sold. This license may include Sunday sales from 9:00 A.M. to Midnight.
  - 2. *Package liquor — non-intoxicating beer:* Sales of non-intoxicating beer at retail in the original package not for consumption on the premises where sold.
  - 3. *Package liquor — all kinds:* Sales of all kinds of intoxicating liquors in the original package at retail not for consumption on the premises where sold, including sales as set forth in Subsections (B)(1) and (2) of this Section.
  - 4. *Liquor by the drink — malt liquor/light wine only:* Sales of malt liquor and light wines at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsections (B)(1) and (5) of this Section.
  - 5. *Malt liquor by the drink:* Sales of malt liquor at retail by the drink for consumption on the premises, which license shall also permit the holder thereof to sell non-intoxicating beer as defined in Section 600.010 of this Chapter and set out in Subsection (6) hereof. This license may include Sunday sales from 9:00 A.M. to Midnight.
  - 6. *Liquor by the drink — non-intoxicating beer:* Sales of non-intoxicating beer at retail by the drink for consumption on the premises where sold, including sales as set forth in Subsection (B)(2) of this Section.
  - 7. *Liquor by the drink — all kinds:* Sales of intoxicating liquor of all kinds at retail by the drink for consumption on the premises where sold, including package sales as set forth in Subsection (B)(3) of this Section.
- C. *Sunday Sales.* Any person who is licensed under the provisions of this Chapter or who otherwise possesses the qualifications and meets the requirements of this Chapter may apply for the following licenses to sell intoxicating liquor or non-intoxicating beer on Sundays between the hours of 9:00 A.M. and Midnight:
  - 1. *Package liquor — all kinds:* Sales of liquor of all kinds in the original package at retail not for consumption on the premises where sold.

2. *Liquor by the drink — restaurant bar:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any restaurant bar.
3. *Liquor by the drink — amusement place:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any amusement place.
4. *Liquor by the drink — place of entertainment:* Sales of liquor of all kinds by the drink at retail for consumption on the premises of any place of entertainment.

D. *Permits.*

1. *Temporary permit for sale by drink.* Any person who possesses the qualifications, meets the requirements and complies with the provisions of Section 600.030(C) below may apply for a special permit to sell intoxicating liquor for consumption on premises where sold.
2. *Tasting permit.* Any person who is licensed to sell intoxicating liquor in the original package at retail under Subsections (B)(3) and (C) of this Section above may apply for a special permit to conduct wine, malt beverage and distilled spirit tastings on the licensed premises; however, nothing in this Section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

**Section 600.030. License Regulations.**

- A. *Package Sales, Limitations.* No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one (1) or more of the following businesses:

a drug store, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his/her store a stock of goods having a value according to invoices of at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this Chapter or law.

- B. *Newly-Opened Restaurant Bars Or Amusement Places.*

1. Any new restaurant bar having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the restaurant bar can show a projection of annual business from prepared meals or food consumed on the premises of at least fifty percent (50%) of the total gross income of the restaurant bar for the year or can show a projection of annual business from prepared meals or food consumed on the premises which would exceed not less than two hundred thousand dollars (\$200,000.00). The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

2. Any new amusement place having been in operation for less than ninety (90) days may be issued a temporary license to sell intoxicating liquor by the drink at retail for consumption on the premises between the hours of 9:00 A.M. and Midnight on Sunday for a period not to exceed ninety (90) days if the amusement place can show a projection of gross receipts of at least one hundred thousand dollars (\$100,000.00) of which at least fifty thousand dollars (\$50,000.00) of such gross receipts are in non-alcoholic sales for the first (1st) year of operation. The license fee shall be prorated for the period of the temporary license based on the cost of the annual license for the establishment.

*C. Temporary Permit For Sale By Drink — Certain Organizations.*

1. The City Clerk may issue a permit for the sale of intoxicating liquor and non-intoxicating beer for consumption on premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for sale at a picnic, bazaar, fair or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization.
2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor and non-intoxicating beer on that day beginning at 11:00 A.M.
3. At the same time that an applicant applies for a permit under the provisions of this Subsection, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.
4. No provision of law or rule or regulation of the City shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.

*D. Operating Hours, Days.*

1. No person having a license issued pursuant to this Chapter, nor any employee of such person, shall sell, give away or permit the consumption of any intoxicating liquor or non-intoxicating beer in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. on Sunday and 6:00 A.M. on Monday upon or about his/her premises, except as otherwise authorized and licensed for Sunday sales. Any person licensed to sell intoxicating liquor or non-intoxicating beer by the drink shall keep a closed place during the aforementioned prohibited times.
2. When January first (1st), March seventeenth (17th), July fourth (4th) or December thirty-first (31st) falls on Sunday and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the National Football League is played, commonly known as "Super Bowl Sunday", any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his/her license on that day from the time and until the time which would be lawful on

another day of the week, notwithstanding any provisions of this Chapter to the contrary.

E. *General License Regulations.*

1. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.
2. A separate license shall be required for each place of business. Every license issued under the provisions of this Chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.
3. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this Chapter, may make application and the Clerk may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased. Whenever one (1) or more members of a partnership withdraws from the partnership, the Clerk, 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.
4. In the event any licensee desires to change the location of his/her place of business in the City, it shall be necessary for him/her to file an application in the same manner as herein provided for an original application, except that no additional fee shall be charged and the amended license, describing the new location, shall be issued immediately upon the approval of the application by the Board. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section.

- F. *Druggists May Sell And Physicians Prescribe Liquor.* Any druggist may have in his/her possession intoxicating liquor purchased by him/her from a licensed vendor under a license pursuant to State law, or intoxicating liquor lawfully acquired at the place of acquisition and legally transported into this State, and lawfully inspected, gauged and labeled as provided by State law; such intoxicating liquor to be used in connection with the business of a druggist in compounding medicines or as a solvent or preservative; provided, that nothing in this Chapter shall prevent a regularly licensed druggist, after he/she procures a license therefor, from selling intoxicating liquor in the original package but not to be drunk or the packages opened on the premises where sold; and provided further, that nothing in this Chapter shall be construed as limiting the right of a physician to prescribe intoxicating liquor in accordance with his/her professional judgment for any patient at any time or prevent a druggist from selling intoxicating liquor to a person on prescription from a regularly licensed physician as above provided.

**Section 600.035. Sales of Liquor Prohibited Near Schools and Churches.****[Ord. No. 450 §4, 9-9-1985]**

- A. No license shall be granted for the sale of intoxicating liquor, as defined in this Chapter, within three hundred (300) feet of any school, church or other building regularly used as a place of religious worship, unless the applicant for the license shall first obtain the consent in writing of the Board of Aldermen, except that when a school, church or place of worship shall hereafter be established within three hundred (300) feet of any place of business licensed to sell intoxicating liquor, the license shall not be denied for this reason. Such consent shall not be granted until at least ten (10) days' written notice has been provided to all owners of property within three hundred (300) feet of the proposed licensed premises.
- B. Subsection (A) of this Section shall not apply to a license issued by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating liquor pursuant to Section 311.218, RSMo., or to a license issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization which has obtained an exemption from the payment of Federal taxes.
- C. Subsection (A) of this Section shall not apply to any premises holding a license issued before January 1, 2004, by the Supervisor of Alcohol and Tobacco Control for the sale of intoxicating liquor. To retain a license under this Subsection, the licensed premises shall not change license type, amend the legal description, or be without a liquor license for more than ninety (90) days.

**Section 600.040. Schedule of License Fees.****[Ord. No. 768 §1, 5-18-2009]**

- A. The following categories and subcategories of licenses shall be issued upon compliance with the provisions of this Chapter and payment of the license fee indicated:
  - 1. *General licenses.*
    - a. Malt liquor — original package: \$75.00.
    - b. Non-intoxicating beer — original package: \$22.50.
    - c. Intoxicating liquor (all kinds) — original package: \$150.00.
    - d. Malt liquor — by drink: \$75.00.
    - e. Malt liquor and light wines — by drink: \$75.00.
    - f. Non-intoxicating beer — by drink: \$37.50.
    - g. Intoxicating liquor (all kinds) — by drink: \$300.00.
  - 2. *Sunday sales.* (Additional fees)

- a. Intoxicating liquor — original package: \$300.00.
- b. Restaurant bars: \$300.00.
- c. Amusement places: \$300.00.
- d. Liquor by the drink — charitable organizations: \$300.00.

3. *Permits.*

- a. Temporary permit — by the drink for certain organizations (7 days max.): \$37.50.
- b. Tasting permit: \$37.50.
- c. Caterers: \$15.00 per each calendar day.

Of the license fee to be paid for any such license, the applicant shall pay as many twelfths (12ths) as there are months (part of a month counted as a month) remaining from the date of the license to the next succeeding July first (1st).

**Section 600.045. Temporary Location for Liquor by the Drink, Caterers — Permit — Fee Required.**

- A. The City may issue a temporary permit to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, but not including a "*festival*" as defined in Chapter 316, RSMo. The temporary permit shall be effective for a period not to exceed one hundred sixty-eight (168) consecutive hours and shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption. For every permit issued pursuant to the provisions of this Section, the permittee shall pay to the City an amount as set out in Section 600.040(3)(c) above, or fraction thereof, for which the permit is issued.
- B. Except as provided in Subsection (C), all provisions of the Liquor Control Law and the ordinances, rules and regulations of the City, in which is located the premises in which such function, occasion or event is held, shall extend to such premises and shall be in force and enforceable during all the time that the permittee, its agents, servants, employees or stock are in such premises. Except for Missouri-produced wines in the original package, the provisions of this Section shall not include the sale of packaged goods covered by this temporary permit.
- C. Notwithstanding any other law to the contrary, any caterer who possesses a valid State and valid local liquor license may deliver alcoholic beverages in the course of his/her catering business. A caterer who possesses a valid State and valid local liquor license

need not obtain a separate license for each City the caterer delivers in, so long as such City permits any caterer to deliver alcoholic beverages within the City.

- D. To assure and control product quality, wholesalers may, but shall not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent (5%) by weight or non-intoxicating beer delivered and invoiced under the catering permit number, but not used, if the wholesaler removes the product within seventy-two (72) hours of the expiration of the catering permit issued pursuant to this Section.

**Section 600.050. Application for License and Renewal.**

- A. *Filing Of An Application.* Each application for an original or renewal license shall be filed with the City Clerk on a form to be provided by the City, signed and sworn to by the applicant. Each application shall be accompanied by a proper remittance reflecting the appropriate license fee made payable to the City.
- B. *Qualifications.* Neither the applicant nor any officer, director or shareholder of a corporate applicant shall have been convicted of a felony or of any distribution, sale or possession of any controlled substances or dangerous drugs. The applicant shall present with the application a bona fide sale contract or option duly executed, which may be subject to the applicant obtaining a liquor license, or a bona fide lease duly executed by the lessor, or an option for a lease duly executed, subject to the applicant obtaining a liquor license, covering the property for which a liquor license is requested. If the applicant is a corporation, the petition shall set forth all of the above information with respect to the managing officer or officers, identifying such officer or officers. The application shall further state the full name of the corporation, its date of incorporation, its registered agent and registered address, the names and addresses of all shareholders of the corporation, and whether said corporation operates any other business or controls or is controlled by any other corporation or business and, if so, the application shall further state the name of such controlled or controlling corporation or business, its registered agent and registered address, and the location of all businesses operated by it and the name and address of any such businesses with a liquor license, whether within or without the City; and the application shall also state if such controlling corporation or any controlled corporation is doing business under a fictitious name, and the address where said business is located. The Board of Aldermen also may request such additional information of an applicant as it may deem necessary for it to make a determination with respect to the issuance of a liquor license.
- C. Upon approval of any application for a license, the Clerk shall grant the applicant a license to conduct business in the City for a term to expire with the thirtieth (30th) day of June next succeeding the date of such license, unless such license be revoked or suspended for cause before the expiration of such time.
- D. Applications for renewal of licenses must be filed on or before the first (1st) day of May of each calendar year. Such renewal application shall be reviewed by the Board at its next meeting. Upon approval of the majority of the Board and payment of the license fee provided herein, the Clerk shall renew the license. In the event that any person residing or conducting businesses within two hundred (200) feet of the applicant's place of

business shall file a written protest against the renewal of such license, the Board shall conduct a hearing on the application for license renewal as provided in this Subsection.

**Section 600.060. Minors.**

**A. *Persons Eighteen Years Of Age Or Older May Sell Or Handle Liquor Or Beer, When.***

1. Except as otherwise provided in this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor or non-intoxicating beer.
2. In any place of business licensed in accordance with this Chapter, persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for, and sack for carry-out intoxicating liquor or non-intoxicating beer. Delivery of intoxicating liquor or non-intoxicating beer away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years. Any licensee who employs any person under the age of twenty-one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of non-alcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.
3. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor or non-intoxicating beer in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages or non-intoxicating beer.

**B. *Sales To Minor — Exceptions.***

1. No licensee, his/her employee or any other person shall procure for, sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, except that this Section shall not apply to the parent or guardian of the minor nor to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only or to the administering of such intoxicating liquor to such person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor while serving in the capacity as 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 (21) to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one (21) from drinking or possessing intoxicating liquor on such property, unless such person allowing the

person under the age of twenty-one (21) to drink or possess intoxicating liquor is his/her parent or guardian, is guilty of an ordinance violation.

3. It shall be a defense to prosecution under this Subsection 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 to the minor with reasonable cause to believe that the minor was twenty-one (21) or more years of age; and
- c. To purchase the intoxicating liquor, 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 (21) years of age and of the legal age for consumption of intoxicating liquor.

C. *Misrepresentation Of Age By Minor To Obtain Liquor — Use Of Altered Driver's License, Passport Or I.D. Cards, Penalties.*

1. No person under the age of twenty-one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, that he/she has attained the age of twenty-one (21) years, except in cases authorized by law.
2. In addition to Subsection (C)(1) of this Section, no person under the age of twenty-one (21) years shall use a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in Section 302.181, RSMo., for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor.

D. *Minors In Possession Of Intoxicating Liquor, Non-Intoxicating Beer.* Any person under the age of twenty-one (21) years who purchases or attempts to purchase, or has in his/her possession, any intoxicating liquor or non-intoxicating beer as defined in Section 600.010 or who is visibly intoxicated as defined in Section 577.001, RSMo., or has a detectable blood alcohol content of more than two-hundredths of one percent (.02%) or more by weight of alcohol in such person's blood is in violation of this Section.

E. For purposes of prosecution under this Section, a manufacturer-sealed container describing that there is intoxicating liquor or non-intoxicating beer therein need not be opened or the contents therein tested to verify that there is intoxicating liquor or non-intoxicating beer in such container. The alleged violator may allege that there was no intoxicating 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 or any non-intoxicating beer therein contains intoxicating liquor or non-intoxicating beer.

**Section 600.070. Miscellaneous Offenses.**

- A. *Unlawful For Licensed Retailer To Purchase From Other Than Licensed Wholesaler.* It shall be unlawful for any licensee to purchase any intoxicating liquor except from, by or through a duly licensed wholesale liquor dealer in this State. It shall be unlawful for such retail liquor dealer to sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this Section.
- B. Any retailer licensed pursuant to this Chapter shall not:
1. Sell intoxicating liquor or non-intoxicating beer with an alcohol content of less than five percent (5%) by weight to the consumer in an original carton received from the wholesaler that has been mutilated, torn apart or cut apart; or
  2. Repackage intoxicating liquor or non-intoxicating beer with an alcohol content of less than five percent (5%) by weight in a manner misleading to the consumer or that results in required labeling being omitted or obscured.
- C. *Mixing Liquor With Drugs Prohibited.* No licensee, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any intoxicating liquor kept for sale, sold or supplied by him/her as a beverage any drug or form of methyl alcohol or impure form of alcohol.
- D. *Unlawful To Sell Unlabeled Liquor — Penalty.* It shall be unlawful for any person to sell any intoxicating liquor which has not been inspected and labeled according to the provisions of the Liquor Control Law of Missouri, and any such person upon conviction shall have his/her license revoked and shall be ineligible to receive any subsequent liquor license for a period of two (2) years thereafter.
- E. *Only Those Liquors Authorized By License To Be Kept On Premises.*
1. It shall be unlawful for any licensee licensed for the sale of intoxicating liquor at retail by the drink for consumption on the premises to keep in or upon the premises described in such license any intoxicating liquor other than the kind of liquor expressly authorized to be sold by such licensee.
  2. Any retailer licensed pursuant to this Chapter shall not:
    - a. Sell intoxicating liquor or non-intoxicating beer with an alcohol content of less than five percent (5%) by weight to the consumer in an original carton received from the wholesaler that has been mutilated, torn apart or cut apart; or
    - b. Repackage intoxicating liquor or non-intoxicating beer with an alcohol content of less than five percent (5%) by weight in a manner misleading to the consumer or that results in required labeling being omitted or obscured.
- F. *Persons Apparently Intoxicated Not To Be Provided With Intoxicating Liquor Or Non-Intoxicating Beer.* It shall be unlawful for any licensee, or his/her employee or agent, to sell or supply intoxicating liquor or non-intoxicating beer, or permit such to be sold or supplied, to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor.

**G. *Drinking In Public Places Prohibited.***

1. For purposes of this Section, the term "*public place*" shall mean any public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot.
2. No person shall drink or ingest any intoxicating liquor or non-intoxicating beer in or on any public place.
3. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor or non-intoxicating beer while in or upon any public place.
4. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor or non-intoxicating beer while within or on any motor vehicle while the same is being operated upon, or parked or standing in or upon, any public place. Any person operating a motor vehicle shall be deemed to be in possession of an open container contained within the motor vehicle he/she has control of whether or not he/she has actual physical possession of the open container.

**Section 600.080. Warning Sign Displayed — Liquor Licenses.**

- A. Any person who is licensed to sell or serve alcoholic beverages at any establishment shall place on the premises of such establishment a warning sign as described in this Section. Such sign shall be at least eleven (11) inches by fourteen (14) inches and shall read "WARNING: Drinking alcoholic beverages during pregnancy may cause birth defects". The licensee shall display such sign in a conspicuous place on the licensed premises.
- B. Any employee of the Supervisor of Alcohol and Tobacco Control may report a violation of this Section to the Supervisor, and the Supervisor shall issue a warning to the licensee of the violation.

**Section 600.090. Administration of Law — License Suspension.**

- A. *Suspension Or Revocation Of License — When — Manner.* The Board may suspend or revoke the license of any person for cause shown. In such cases the City Clerk shall schedule a hearing before the Board not less than ten (10) days prior to the effective date of revocation or suspension, and prior to the hearing the Clerk shall give not less than ten (10) days' written notice specifying grounds for the suspension or revocation thereof to the licensee of the grounds upon which the license is sought to be revoked or suspended and the time, date and place of the hearing. Notice may be accomplished by personal delivery, U.S. mail or by posting on the licensed premises. The hearing shall be conducted in accordance with Section 600.090 of this Chapter.
- B. *Grounds For Suspension Or Revocation.* A license may be suspended or revoked for any of the following reasons:

1. Violating any of the provisions of either this Chapter, Chapters 311 or 312, RSMo., or any ordinance of the City;
  2. Failing to obtain or keep a license from the State Supervisor of Alcohol and Tobacco Control;
  3. Making a false affidavit in an application for a license under this Chapter;
  4. Failing to keep an orderly place or house;
  5. Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under the license;
  6. Selling, offering for sale, possessing or knowingly permitting the consumption of any intoxicating liquor which has not been inspected and labeled according to the laws of the State of Missouri; or
  7. Selling, giving or otherwise supplying intoxicating liquor to:
    - a. Any person under the age of twenty-one (21) years,
    - b. Any person during unauthorized hours on the licensed premises,
    - c. A habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor, or
    - d. Any person on the licensed premises during a term of suspension as ordered by the Board.
- C. *Automatic Revocation/Suspension.* A license shall be revoked automatically if the licensee's State liquor license is revoked or if the licensee is convicted in any court of any violation of Chapter 311 or Chapter 312, RSMo., or of any felony violation of Chapter 195, RSMo., in the course of business. A license shall be suspended automatically if the licensee's State liquor license is suspended, and the suspension shall be for a term not less than that imposed by the State.
- D. *Effect Of Suspension.* No person whose license shall have been suspended by order of the Board shall sell or give away any intoxicating liquor or non-intoxicating beer during the time such suspension is in effect. Any licensee desiring to keep premises open for the sale of food or merchandise during the period of suspension shall display the Board's order of suspension in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.

#### **Section 600.100. Hearings Upon Suspension or Revocation of Licenses.**

- A. *Testimony — Evidence.* Hearings before the Board shall be in the nature of informal investigations. Testimony of witnesses and other evidence pertinent to the inquiry may be taken in such hearings, and all proceedings in such hearings shall be recorded. Any person residing or conducting a business within two hundred (200) feet of the proposed establishment shall have the right to produce witnesses and testimony.

- B. *Witnesses — How Summoned.* Subpoenas may be issued by the Board for any person whose testimony is desired at any hearing. Such subpoenas may be served and returns thereon made by any agent and in the same manner as provided by law for the service of subpoenas in civil suits in the Circuit Courts of this State. The Board also may issue subpoenas duces tecum requiring the production of documents or other items pertaining to the subject of the inquiry.
- C. *Witnesses To Be Sworn.* Before any witness shall testify in any such hearing, he/she shall be sworn by the City Clerk to tell the truth and nothing but the truth.
- D. *Decision — Suspension Or Revocation.* If the evidence supports a finding that the license should be revoked or suspended pursuant to Section 600.080 of this Chapter, the Board shall issue a written order which shall include specific findings of fact setting forth the grounds for the action taken. If the evidence fails to support a finding that the license should be revoked or suspended, then no such order shall be issued.
- E. *Appeal.* Any applicant or licensee aggrieved by a decision of the Board may appeal such decision to the Circuit Court as provided in Chapter 536, RSMo., provided such appeal is filed within ten (10) days of the date of the Board's decision. The Board may delay the implementation of its order pending appeal.

**Section 600.110. Additional Penalties.**

**[Ord. No. 450 §12, 9-9-1985]**

Any person violating any provisions of this Chapter shall, in addition to having their license suspended or revoked as provided in Sections 600.090 and 600.100 hereof, be adjudged guilty of a misdemeanor and, upon conviction thereof, shall be punished by a term of not more than one (1) year in jail or by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) or by both fine and imprisonment.



## **Chapter 605**

### **BUSINESS REGULATIONS**

#### **ARTICLE I Generally**

##### **Section 605.010. License Required.**

##### **Section 605.020. License Application and Issuance.**

##### **Section 605.030. License Fees.**

##### **Section 605.040. License Not Transferable.**

##### **Section 605.050. Display of License.**

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##### **Section 605.110. Fireworks Permit and Deposit.**

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##### **Section 605.130. Permit Fee.**

##### **Section 605.140. Insurance.**

##### **Section 605.150. Location.**

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#### **ARTICLE I Generally**

##### **Section 605.010. License Required.**

It shall be unlawful for any person, firm or corporation to engage in any business or occupation in the City of Stover without having first applied for and obtained a license to conduct such business or occupation from the City Clerk and without paying the license fee therefor, all as provided for in this Chapter.

##### **Section 605.020. License Application and Issuance.**

All applications for the licenses required herein shall be made to the City Clerk on appropriate forms provided for that purpose by the City. All licenses issued by the City Clerk shall be in such form as is provided by the Board of Aldermen; provided however, that such license shall bear the signature of the Mayor of the Board of Aldermen and the City Clerk, the date of issuance thereof and the date of expiration, as well as any additional information that may be required by the Board of Aldermen.

**Section 605.030. License Fees.**

[Ord. No. 24 §§1 — 3, 11-9-1926; Ord. No. 29 §§1 — 2; Ord. No. 97 §§1 — 3, 10-8-1935; Ord. No. 98 §§1 — 6, 2-11-1936; Ord. No. 148 §§1 — 2, 7-13-1943; Ord. No. 312 §§1 — 2, 5-3-1976; Ord. No. 356 §§1 — 4, 3-17-1980; Ord. No. 636 §1, 3-15-2001]

- A. As a Police regulation and for the purpose of obtaining revenue from the enforcement of this Chapter and for the maintenance of the City of Stover, Missouri, there is hereby levied a license tax on the various businesses, trades, avocations, occupations and enterprises hereinafter named and at the rate and for the term or period hereinafter set forth.
- B. It shall be unlawful for any person, firm or corporation or co-partnership to engage in any of the various businesses, trades, occupations, avocations and enterprises hereinafter provided unless the license tax is paid on time. Any person, firm or corporation violating the terms of this Section shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred dollars (\$100.00) for each violation thereof. Each separate solicitation in violation of this Section shall be considered a separate offense.
- C. This Section shall not apply to the solicitation of donations by any valid religious order or any service organization.
- D. Each business owner shall pay a fee of thirty-five dollars (\$35.00) by July first (1st) of each year and shall be issued a license as herein mentioned that shall be considered valid until June thirtieth (30th) of the following year. For new businesses established after July first (1st), the fee shall be prorated based on the number of months through June thirtieth (30th).

**Section 605.040. License Not Transferable.**

No license issued under the provisions of this Chapter shall be assignable or transferable but shall apply only to the person to whom same is issued. In the event any licensee, as provided for herein, shall move his/her place of business from one location to another location within the City, said licensee shall submit a statement of the fact of such change to the City Clerk who may transfer such license as to location only. In no event, however, shall such license be transferred from one person to another or from the kind of business or occupation originally licensed to another type of business or occupation.

**Section 605.050. Display of License.**

Each license issued by the City under the provisions of this Chapter shall be carefully preserved and shall be displayed in a conspicuous place in the place of business authorized to be conducted by said license. If there is no place of business, said license shall be carried on the licensee's person.

**Section 605.060. Persons Not to Be Charged for Business License.**

- A. No person following for a livelihood the profession or calling of minister of the gospel, duly accredited Christian Science practitioner, teacher, professor in a college, priest,

lawyer, certified public accountant, dentist, chiropractor, optometrist, chiropodist, or physician or surgeon in this City shall be taxed or made liable to pay any municipal or other corporation tax or license fee of any description whatever for the privilege of following or carrying on such profession or calling, and after December 31, 2003, no investment funds service corporation as defined in Section 143.451, RSMo., may be required to pay any such license fee in excess of twenty-five thousand dollars (\$25,000.00) annually, any law, ordinance or Charter to the contrary notwithstanding.

- B. No person following for a livelihood the profession of insurance agent or broker, veterinarian, architect, professional engineer, land surveyor, auctioneer, or real estate broker or salesman in this City shall be taxed or made liable to pay any municipal or other corporation tax or license fee for the privilege of following or carrying on his/her profession unless that person maintains a business office within the City of Stover.

**Section 605.070. Revocation of License — Grounds.**

- A. Any license issued by the City pursuant to the provisions of this Chapter may be revoked by the Board of Aldermen for any of the following reasons, as well as for any other reasons specified in this Chapter:
1. Any failure to comply with or any violation of any provisions of this Chapter, or any other ordinance of the City regulating the business, occupation or activity licensed, or the Statutes of the State of Missouri by any licensee.
  2. Violation of the terms and conditions upon which the license was issued.
  3. Failure of the licensee to pay any tax or obligation due to the City.
  4. Any misrepresentation or false statement in the application for a license required herein.
  5. Failure to display the license required herein.

Revocation of any license shall be in addition to any other penalty or penalties which may be imposed pursuant to these provisions.

**Section 605.080. Revocation of License — Procedure.**

- A. In any case in which a complaint has been made to the Board of Aldermen, or in which the Board of Aldermen have on their own determined that cause may exist for the revocation of a license under the provisions of this Chapter, the following procedures shall be followed:
1. The Board of Aldermen shall set a date for a hearing to consider the question of revocation.
  2. At least ten (10) days prior to said hearing, written notice shall be mailed to the licensee, by registered mail, return receipt requested, to his/her last known address

as shown in the records of the City Clerk advising the licensee of the time, date and place of hearing and of the reason for considering the revocation of his/her license.

3. During the pendency of this hearing before the Board of Aldermen, the licensee shall be permitted to continue the operation of his/her business.
4. At the hearing set by the Board of Aldermen, the Board of Aldermen shall hear all relevant and material evidence justifying the retention of the license.
5. The licensee may be present in person and/or by his/her attorney and may present evidence.
6. After hearing the evidence presented, the Board of Aldermen shall vote on the issue of whether the subject license shall be revoked.
7. The affirmative vote of a majority of the Board of Aldermen shall be necessary to revoke any license.

#### **Section 605.090. Penalty and Delinquency.**

Any person, firm or corporation or co-partnership who shall violate any provision of this Chapter, or who shall exercise or attempt to exercise any of the occupations, trades or avocations, or who shall carry on or engage in or attempt to carry on or engage in any of the businesses for which a license is required in this Chapter in the City of Stover without first paying the tax herein levied and obtaining a license therefor shall, upon conviction, be deemed guilty of an ordinance violation and shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).

### **ARTICLE II Dog Kennels**

#### **Section 605.100. Dog Kennels.**

**[Ord. No. 346 §§1 — 5, 6-4-1979]**

- A. No person shall operate a dog kennel, as hereinafter defined, within the City limits of Stover, Missouri, without first having obtained a permit therefor from the City Collector of the City of Stover and after showing proof of state licensure required by Section 273.327, RSMo., et seq.
- B. No permit shall be issued by the Board of Aldermen of the City of Stover for the operation of a dog kennel unless the premises upon which said dog kennel is operated shall consist of an area of not less than one (1) acre and said premises shall further be fenced so as to prevent the running of dogs in said kennel at any location within fifty (50) feet of the boundary of said lands upon which said kennel shall be maintained.
- C. For the purpose of this Section, a "*dog kennel*" shall be defined as any premises upon which more than three (3) dogs shall be maintained at any one time. For the purpose of this Section, a "*dog*" shall be defined as any dog of more than three (3) months of age.

- D. All application for the operation of a dog kennel under this Section shall be made to the City Clerk of the City of Stover and there shall be levied for said permit a fee of fifty dollars (\$50.00) per year, plus thirty-five dollars (\$35.00) business license fee and a requirement of one (1) acre of land.
- E. No person shall operate a dog kennel under any permit issued by the Board of Aldermen in such a manner as to constitute a public nuisance under the laws of the State of Missouri and the ordinances of the City of Stover.

### ARTICLE III

#### Fireworks

##### **Section 605.110. Fireworks Permit and Deposit.**

**[Ord. No. 656 §1, 8-15-2002; Ord. No. 817, 2-19-2013]**

It shall be unlawful for any person to sell or offer for sale within the limits of the City of Stover any firecrackers, rockets, torpedoes, Roman candles or other types of fireworks or substance for display purpose or for personal use except from June twentieth (20th) to July seventh (7th). Any such person or persons selling or offering for sale any such items during the dates set forth herein shall be required to obtain a permit therefore from the City Clerk prior to making any such sales. The permit herein required shall be made in duplicate and in such forms as may be adopted by the Board of Aldermen and one (1) copy thereof shall be kept on file in the office of the City Clerk. Said permits are non-assignable. Such person or persons shall further be required to tender to the Clerk a cleanup deposit of twenty-five dollars (\$25.00). That sum shall only be refunded to the applicant if all trash and debris surrounding the fireworks structure has been disposed of and the area returned in as good condition as received.

##### **Section 605.120. Application.**

**[Ord. No. 656 §2, 8-15-2002]**

No permit shall be issued unless a written application for the issuance of permit is submitted to the Clerk and accompanied by a cleanup deposit. The written application shall state the name and address of the applicant, the location of the fireworks booth or structure, the dates such permit shall remain effective and shall be accompanied by proof of sales tax number.

##### **Section 605.130. Permit Fee.**

**[Ord. No. 656 §3, 8-15-2002]**

A permit fee of thirty-five dollars (\$35.00) shall be charged by the City Clerk and shall accompany the application if the applicant does not already have a current City business license. If the applicant has already purchased a current business license, the permit fee is waived.

**Section 605.140. Insurance.****[Ord. No. 656 §4, 8-15-2002]**

Applicants shall be required to furnish proof of liability insurance to the City Clerk upon application for the permit in the minimum amount of three hundred thousand dollars (\$300,000.00) coverage per occurrence.

**Section 605.150. Location.****[Ord. No. 656 §5, 8-15-2002]**

The location of any fireworks stands must be in compliance with State law and specifically shall not be located within fifty (50) feet of any gasoline pumps, gasoline storage tanks or incinerators.

## Chapter 610

### PEDDLERS AND SOLICITORS

**Section 610.010. Definitions.**

**Section 610.020. Exception.**

**Section 610.030. Identification Card  
Required for Peddlers  
and Solicitors, Available  
for Canvassers.**

**Section 610.040. Fee.**

**Section 610.050. Application for  
Identification Card.**

**Section 610.060. Contents of Application.**

**Section 610.070. Issuance of Identification  
Card.**

**Section 610.080. Investigation.**

**Section 610.090. Denial — Administrative  
Revocation.**

**Section 610.100. Hearing on Appeal.**

**Section 610.110. Display of Identification  
Card.**

**Section 610.120. Validity of Identification  
Card.**

**Section 610.130. Revocation of Card.**

**Section 610.140. Distribution of Handbills  
and Commercial Flyers.**

**Section 610.150. General Prohibitions.**

**Section 610.160. Violation to Be  
Prosecuted as Trespass.**

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#### **Section 610.010. Definitions.**

As used in this Chapter, the following words have the meaning indicated:

**CANVASSER** — A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of,

1. Attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or
2. Distributing a handbill or flyer advertising a non-commercial event or service.

**PEDDLER** — A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of attempting to sell a good or service. A "*peddler*" does not include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different from the time of visit. Such a person is a "*solicitor*".

**SOLICITOR** — A person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of,

1. Attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service, or

2. Distributing a handbill or flyer advertising a commercial event or service.

**Section 610.020. Exception.**

This Chapter shall not apply to a Federal, State or local government employee or a public utility employee in the performance of his/her duty for his/her employer.

**Section 610.030. Identification Card Required for Peddlers and Solicitors, Available for Canvassers.**

No person shall act as a peddler or as a solicitor within the City without first obtaining an identification card in accordance with this Chapter. A canvasser is not required to have an identification card but any canvasser wanting an identification card for the purpose of reassuring City residents of the canvasser's good faith shall be issued one upon request.

**Section 610.040. Fee.**

A. The fee for the issuance of each identification card shall be:

1. For a peddler acting on behalf of a merchant otherwise licensed to do business within the City: No fee.
2. For a peddler acting on behalf of a merchant not otherwise licensed to do business within the City: A fee of five dollars (\$5.00) per day.
3. For a solicitor, including a commercial solicitor advertising an event, activity, good or service for purchase at a location away from the residence: No fee.
4. For a canvasser requesting an identification card: No fee.

**Section 610.050. Application for Identification Card.**

Any person or organization, formal or informal, may apply for one (1) or more identification cards by completing an application form at the office of the issuing officer during regular office hours.

**Section 610.060. Contents of Application.**

A. The applicant, person or organization shall provide the following information:

1. Name of applicant.
2. Number of identification cards required.
3. The name, physical description and photograph of each person for which a card is requested. In lieu of this information, a driver's license, State identification card,

passport or other government-issued identification card issued by a government within the United States containing this information may be provided and a photocopy taken.

4. The permanent and, if any, local address of the applicant.
5. The permanent and, if any, local address of each person for whom a card is requested.
6. A brief description of the proposed activity related to this identification card. Copies of literature to be distributed may be substituted for this description at the option of the applicant.
7. Date and place of birth for each person for whom a card is requested and, if available, the social security number of such person.
8. A list of all infraction, offense, misdemeanor and felony convictions of each person for whom a card is requested for the seven (7) years immediately prior to the application.
9. The motor vehicle make, model, year, color and State license plate number of any vehicle which will be used by each person for whom a card is requested.
10. If a card is requested for a peddler:
  - a. The name and permanent address of the business offering the event, activity, good or service, i.e., the peddler's principal.
  - b. A copy of the principal's sales tax license as issued by the State of Missouri, provided that no copy of a license shall be required of any business which appears on the City's annual report of sales tax payees as provided by the Missouri Department of Revenue.
  - c. The location where books and records are kept of sales which occur within the City and which are available for City inspection to determine that all City sales taxes have been paid.
11. If a card is requested for a solicitor:
  - a. The name and permanent address of the organization, person or group for whom donations or proceeds are accepted.
  - b. The web address for this organization, person or group or other address where residents having subsequent questions can go for more information.
12. Any other information the applicant wishes to provide, perhaps including copies of literature to be distributed, references to other municipalities where similar activities have occurred, etc.

**Section 610.070. Issuance of Identification Card.**

- A. The identification card(s) shall be issued promptly after application but in all cases within sixteen (16) business hours of completion of an application, unless it is determined within that time that:
1. The applicant has been convicted of a felony or a misdemeanor involving moral turpitude within the past seven (7) years,
  2. With respect to a particular card, the individual for whom a card is requested has been convicted of any felony or a misdemeanor involving moral turpitude within the past seven (7) years, or
  3. Any statement upon the application is false, unless the applicant can demonstrate that the falsehood was the result of excusable neglect.

**Section 610.080. Investigation.**

During the period of time following the application for one (1) or more identification cards and its issuance, the City shall investigate as to the truth and accuracy of the information contained in the application. If the City has not completed this investigation within the sixteen (16) business hours provided in Section 610.070, the identification card will nonetheless be issued subject, however, to administrative revocation upon completion of the investigation. If a canvasser requests an identification card, the investigation will proceed as described above, but if the City refuses to issue the identification card (or revokes it after issuance), the canvasser will be advised that the failure to procure an identification card does not prevent him/her from canvassing the residents of the City.

**Section 610.090. Denial — Administrative Revocation.**

- A. If the issuing officer denies, or upon completion of an investigation revokes, the identification card to one (1) or more persons, he/she shall immediately convey the decision to the applicant orally and shall within sixteen (16) working hours after the denial prepare a written report of the reason for the denial which shall be immediately made available to the applicant. Upon receipt of the oral notification and even before the preparation of the written report, the applicant shall have at his/her option an appeal of the denial of his/her application before the following tribunal:
1. Before the Municipal Court of the City.

**Section 610.100. Hearing on Appeal.**

If the applicant requests a hearing under Section 610.090, the hearing shall be held in accordance with the Administrative Procedure Act of the State of Missouri and review from the decision (on the record of the hearing) shall be had to the Circuit Court of the County in which the City is located. The hearing shall also be subject to the Missouri open meetings and records law.

**Section 610.110. Display of Identification Card.**

Each identification card shall be, when the individual for whom it was issued is acting as a peddler or solicitor, worn on the outer clothing of the individual as so to be reasonably visible to any person who might be approached by said person.

**Section 610.120. Validity of Identification Card.**

An identification card shall be valid within the meaning of this Chapter for a period of six (6) months from its date of issuance or the term requested, whichever is less.

**Section 610.130. Revocation of Card.**

- A. In addition to the administrative revocation of an identification card, a card may be revoked for any of the following reasons:
1. Any violation of this Chapter by the applicant or by the person for whom the particular card was issued.
  2. Fraud, misrepresentation or incorrect statement made in the course of carrying on the activity.
  3. Conviction of any felony or a misdemeanor involving moral turpitude within the last seven (7) years.
  4. Conducting the activity in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

The revocation procedure shall be initiated by the filing of a complaint by the City Attorney or the issuing officer pursuant to the State Administrative Procedure Act and a hearing before the tribunal identified in Section 610.090 above.

**Section 610.140. Distribution of Handbills and Commercial Flyers.**

- A. In addition to the other regulations contained herein, a solicitor or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:
1. No handbill or flyer shall be left at or attached to any sign, utility pole, transit shelter or other structure within the public right-of-way. The Police are authorized to remove any handbill or flyer found within the right-of-way.
  2. No handbill or flyer shall be left at or attached to any privately owned property in a manner that causes damage to such privately owned property.
  3. No handbill or flyer shall be left at or attached to any of the property having a "no solicitor" sign of the type described in Section 610.150(1) and (2).

4. Any person observed distributing handbills or flyers shall be required to identify himself/herself to the Police (either by producing an identification card or other form of identification). This is for the purpose of knowing the likely identity of the perpetrator if the City receives a complaint of damage caused to private property during the distribution of handbills or flyers.

#### **Section 610.150. General Prohibitions.**

##### **A. No peddler, solicitor or canvasser shall:**

1. Enter upon any private property where the property has clearly posted in the front yard a sign visible from the right-of-way (public or private) indicating a prohibition against peddling, soliciting and/or canvassing. Such sign need not exceed one (1) square foot in size and may contain words such as "no soliciting" or "no solicitors" in letters of at least two (2) inches in height. The phrase "no soliciting" or "no solicitors" shall also prohibit peddlers and canvassers.
2. Remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entrance way leading into the residence or dwelling at which guests would normally enter, which sign contains the words "no soliciting" or "no solicitors" and which is clearly visible to the peddler, solicitor or canvasser.
3. Enter upon any private property where the current occupant has posted the property on the City's "no visit" list, except where the posting form indicates the occupant has given permission for this type of visit, regardless of whether a front yard sign is posted.
4. Use or attempt to use any entrance other than the front or main entrance to the dwelling, or step from the sidewalk or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.
5. Remove any yard sign, door or entrance sign that gives notice to such person that the resident or occupant does not invite visitors.
6. Enter upon the property of another except between the hours of 9:00 A.M. and 8:00 P.M.

Except that the above prohibitions shall not apply when the peddler, solicitor or canvassers has an express invitation from the resident or occupant of a dwelling allowing him/her to enter upon any posted property.

#### **Section 610.160. Violation to Be Prosecuted as Trespass.**

Any person violating any part of this Chapter shall have committed a trespass on such property and shall be prosecuted under the general trespass ordinance of the City. The penalty for such violation shall be the same as for any other trespass.

## **Chapter 615**

### **GROSS RECEIPTS**

#### **Section 615.010. Electrical Gross Receipts Tax.**

#### **Section 615.030. Telecommunications Gross Receipts Tax.**

#### **Section 615.020. Natural Gas Gross Receipts Tax.**

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#### **Section 615.010. Electrical Gross Receipts Tax.**

**[Ord. No. 238 §§1 — 2, 10-30-1963; Ord. No. 467 §1, 2-10-1986]**

- A. Every person, firm or corporation engaged in the business of manufacturing, transmitting, distributing and selling electricity for lighting, heating and power and for any and all other purposes shall pay to the City of Stover as a license or occupational tax two and sixty-six hundredths percent (2.66%) of the gross revenue derived from the sale and distribution of such electrical energy to residential and commercial customers within the City limits, which sum shall be paid by such concerns to the City semi-annually.
- B. The tax required to be paid by this Chapter shall be in lieu of any other occupation or franchise tax required of any person, firm or corporation engaged in the business described in Section 615.010(A) hereof and nothing herein contained shall be so construed as to exempt any such person, firm or corporation from the payment to the City of the tax which the City may levy upon the real, personal property belonging to such person, firm or corporation, nor the tax required of merchants or manufacturers for the sale of anything other than electric service, nor shall the tax herein required exempt any such person, firm or corporation from the payment of any other tax which may be lawfully required other than an occupational or franchise tax on the business described in the first (1st) Subsection of this Section.

#### **Section 615.020. Natural Gas Gross Receipts Tax.**

**[Ord. No. 556 §2, 2-11-1991; Ord. No. 561 §2, 11-11-1991; Ord. No. 574 §2, § 12-14-1992; Ord. No. 579 §2, 2-8-1993]**

Every person, firm or corporation engaged in the business of transmitting, distributing and selling natural gas under franchise in this City for any and all purposes shall pay to the City of Stover as a license or occupational tax two and one-half percent (2.5%) of the gross revenue derived from the sale and distribution of such natural gas to residential and commercial customers within the City limits, which sums shall be paid by such concerns to the City semi-annually.

**Section 615.030. Telecommunications Gross Receipts Tax.****[Ord. No. 260, 3-3-1969; Ord. No. 730, 6-29-2006; Ord. No. 746, 2-20-2007]**

- A. Every person, firm, company or corporation now or hereafter engaged in the business of furnishing exchange telephone service in the City of Stover, Missouri, shall pay to the said City, as an annual license tax, a sum equal to two and one-half percent (2 1/2%) of all telephone receipts of the City of Stover.
- B. The tax provided for herein shall be paid in full on January 1st, 1970, and on the first day of January of each subsequent year.
- C. The payments required by the provisions of this Section shall be in lieu of all other excises, charges, exactions, rentals, fees, impositions, or other licenses or occupation taxes which the City may be authorized to impose upon any such person, firm, company, or corporation, licensed hereunder; but nothing herein contained shall be construed to exempt such person, firm, company, or corporation from any general or special ad valorem tax imposed upon the public generally by said City .
- D. All such persons, firms, companies, or corporations licensed hereunder on the request of any person or the officials of the City, shall remove or raise or its wires temporarily to permit the moving of houses or other bulky structures. The expense of such temporary removal, raising, or lowering of wires shall be paid by the party or parties requesting such raising or lowering of wires, and payment in advance may be required, providing, however, that if said wires are required to be moved for City or public purposes, no such payment shall be required. Not less than forty-eight (48) hours advanced notice shall be given to arrange for such temporary wire changes.
- E. The right is hereby granted to all such persons, firms, companies, or corporations licensed hereunder to trim trees, brush, or hedges upon and overhanging the streets, alley, sidewalks, and public places of said City, so as to prevent such foliage from coming in contact with telephone wires and cables, all of said trimming to be done under the supervision and direction of the governing body of said City or of any City official to whom said duties have been or may be delegated.

TITLE VII  
UTILITIES



## Chapter 700

### GENERAL PROVISIONS

#### ARTICLE I In General

**Section 700.010. Combined System.**  
**Section 700.015. Private Water Wells Prohibited — Connection To Water System Required — Exceptions.**

#### ARTICLE II Charges and Fees for Utilities

**Section 700.020. Fee for Original Connections to City**

#### Water and Sewer System.

**Section 700.030. Deposit Fees for New Water and Sewer Customers.**  
**Section 700.040. Combined Billing for Water, Sewer and Trash — Due Date — Delinquency Penalty.**  
**Section 700.050. Water Service Charges and Combined Water and Sewer Service Charges.**

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#### ARTICLE I In General<sup>1</sup>

**Section 700.010. Combined System.**

**[Ord. No. 199 §1, 2-6-1956]**

It is hereby declared that the existing waterworks and the sewerage system of the City of Stover to be constructed shall henceforth be operated and maintained as a combined waterworks and sewerage system and that such combined systems shall include the entire existing waterworks and the entire sewerage system to be constructed, together with all future improvements and extensions thereto, whether to the waterworks or to the sewerage system or to both.

**Section 700.015. Private Water Wells Prohibited — Connection To Water System Required — Exceptions.**

**[Ord. No. 868, 9-16-2019]**

- A. Private water wells, community water wells or any other type of water well or water source within the City, or, providing water to persons within the City are prohibited. All residents and persons using water within the City of Stover shall only use water supplied by the City of Stover and its water system.

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1. Cross Reference — As to identity theft prevention program, §§130.150 — 130.210.

- B. Any owner of property upon which there is located any building used for human habitation occupancy, commercial or industrial activity shall be required to make connection with the Stover City water system.
- C. Any existing private water wells may stay in operation until the time the property changes owners. At this time the new owners will be connected to the City of Stover water system and the private well will be disconnected.

## ARTICLE II

### Charges and Fees for Utilities

#### **Section 700.020. Fee for Original Connections to City Water and Sewer System.**

**[Ord. No. 649 §§1 — 4, 1-17-2001]**

- A. The fee to be paid to the City Collector for original connections to the City water system is hereby set at the full cost of materials, parts, cleanup, and with any labor cost, with a minimum of five hundred dollars (\$500.00). **[Ord. No. 833 §1, 9-21-2015]**
- B. The fee to be paid to the City Collector for original connections to the City sewer system is hereby set at the full cost of materials, parts, cleanup, and with any labor cost, with a minimum of five hundred dollars (\$500.00). **[Ord. No. 833 §1, 9-21-2015]**
- C. Property owners wishing to connect to the City water or sewer lines are responsible for completing the work to the City lines and the City maintenance employees will complete the connection.
- D. Special exceptions may be granted by a vote of the Board of Aldermen.

#### **Section 700.030. Deposit Fees for New Water and Sewer Customers.**

**[Ord. No. 607 §§1 — 2; Ord. No. 791 §§1 — 2, 9-23-2010]**

- A. All applicants for new water service or sewer service shall first post a deposit of two hundred dollars (\$200.00) prior to connection of service. **[Ord. No. 833 §1, 9-21-2015<sup>2</sup>]**
- B. The City Clerk is hereby authorized to waive the posting of said deposit only in cases where the applicant for service is the record owner of the land which is to be supplied with such service.

#### **Section 700.040. Combined Billing for Water, Sewer and Trash — Due Date — Delinquency Penalty.**

**[Ord. No. 630 §§1 — 3, 4-18-2000; Ord. No. 685 §1, 5-17-2004; Ord. No. 792 §1, 11-12-2010]**

- A. The City Clerk is hereby directed to issue combined bills for water, sewer and trash services to all users of said services. A combined bill for said services shall be issued

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2. Editor's Note: Ord. No. 833 also provided an effective date of 10-1-2015 for this fee.

on the last day of each month and payment therefor shall be due on or before the tenth (10th) of the month after the issuance thereof.

- B. Any person not paying said combined bill by the original due date thereof shall be subject to a penalty fee of ten percent (10%) of the outstanding balance thereon. **[Ord. No. 833 §1, 9-21-2015<sup>3</sup>]**

Any combined bill not paid within ten (10) days of the due date thereof shall be considered delinquent and the service thereon shall be subject to disconnection without further notice. Any such delinquent bill which is paid after disconnection shall be subject to a fifty dollar (\$50.00) reconnection fee before services shall be restored.

- C. The owner of any lot, parcel of land or premises receiving any of the services of the combined water and sewerage system of the City, the occupant of such premises and the user of the services shall be liable jointly and severally for the payment of services to such lot, parcel of land or premises and all services are rendered to the premises by the

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3. Editor's Note: Ord. No. 833 also provided an effective date of 10-1-2015 for this fee.



City of Stover only on the condition that such owner, occupant and use shall be liable jointly and severally therefor to the City of Stover. [Ord. No. 833 §1, 9-21-2015]

**Section 700.050. Water Service Charges and Combined Water and Sewer Service Charges.**

[Ord. No. 429 §§1 — 2, 7-9-1985; Ord. No. 486 §1, 9-29-1986; Ord. No. 518 §1, 12-19-1988; Ord. No. 601 §1; Ord. No. 671 §1, 7-24-2003; Ord. No. 692 §1, 8-16-2004; Ord. No. 740 §1, 8-8-2006; Ord. No. 761 §1, 6-30-2008; Ord. No. 762 §1, 6-30-2008; Ord. No. 774 §1, 7-20-2009; Ord. No. 775 §1, 7-20-2009; Ord. No. 786 §1, 6-21-2010]

- A. The following rates and charges for the use and services of the combined waterworks and sewerage system of the City of Stover, based upon the amount of water consumed, are hereby established: [Ord. No. 818 §1, 3-25-2013; Ord. No. 850, 10-1-2017; Ord. No. 857, 11-26-2018]

<b>Water Use per Month</b>	<b>Water Service Charge</b>	<b>Sewer Service Charge</b>	<b>Combined Water and Sewer Service Charge</b>
Minimum 1,000 gallons or less	\$30.00	\$30.00	\$60.00
Over 1,000 gallons	\$30.00 plus \$4.00 per 1,000 gallons thereafter	\$30.00 plus \$6.11 per 1,000 gallons thereafter	\$60.00 plus \$10.11 per 1,000 gallons thereafter

- B. Non-Standard Rates And Regulations. [Ord. No. 821, 9-16-2013; Ord. No. 850, 10-1-2017; Ord. No. 857, 11-26-2018]

1. Whenever sewer is furnished to a user outside City limits, the user shall pay one and one-half times the above charges (\$45.00) plus \$9.165 per thousand thereafter, (private well) will be based on two thousand five hundred (2,500) gallons.
2. Whenever water is furnished to a user outside the City limits, the user shall pay one and one-half times the above charges (\$45.00) plus \$6.00 per thousand gallons thereafter.
3. All restaurants not on City water (private well) will be charged sewer service based on eight thousand (8,000) gallons of usage (\$72.77).
4. All residential properties not on City water (private well) will be charged sewer service based on two thousand five hundred (2,500) gallons of usage (\$39.00).
5. All other commercial properties will be based on other like businesses in the City limits All commercial and residential properties can have their usages per month metered at the owner's expense and the City would have access to the meters to check usages each month.

- C. Adjustments For Water Leaks And Swimming Pools. The City will give one (1) adjustment per year for any water leak to the owners' and/or renters sewer bill, when the water does not go through the sewer system. An average of the previous three (3)

months will be calculated, and the owner will pay that amount on sewer. The owner must bring in a receipt proving the leak has been fixed. The City will also give a once a year adjustment for filling a swimming pool. The owner of the pool needs to bring in a receipt showing the size of the pool. **[Ord. No. 857, 11-26-2018<sup>4</sup>]**

- D. Whenever for any cause a water meter fails to operate, a reasonable estimate shall be made by the Water Commissioner of the amount of water supplied during the period such meter fails to operate; then the user shall pay a rate based in whole or in part on the estimated amount of water supplied.
- E. Whenever water is furnished to a user outside the City limits, the user shall pay one and one-half (1½) times the above charges.

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4. Editor's Note: In adding this new Subsection with Ord. No. 857 former Subsections (C — D), which immediately follow, were relettered to (D — E)

## **Chapter 705**

### **WATER**

#### **ARTICLE I General Provisions**

**Section 705.010. City's Relationship to End User — City's Powers.**

**Section 705.020. Violations.**

#### **ARTICLE II Cross-Connection Control**

**Section 705.030. Cross-Connection Control — General Policy.**

**Section 705.040. Definitions.**

**Section 705.050. Cross-Connections Prohibited.**

**Section 705.060. Survey and Investigations.**

**Section 705.070. Type of Protection Required.**

**Section 705.080. Where Protection Is Required.**

**Section 705.090. Backflow Prevention Devices.**

**Section 705.100. Installation.**

**Section 705.110. Inspection and Maintenance.**

**Section 705.120. Violations.**

#### **ARTICLE III Miscellaneous Provisions**

**Section 705.130. Seasonal Water Service for Non-Sewer Purposes — Customer Responsibilities — Procedures.**

**Section 705.140. Non-Residents Wishing to Connect to City Water and Sanitary Sewer System — Conditions — Fees.**

#### **ARTICLE IV Lead Ban Policy**

**Section 705.150. Lead Ban — General Policy.**

**Section 705.160. Definitions.**

**Section 705.170. Lead Banned From Drinking Water Plumbing.**

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#### **ARTICLE I General Provisions <sup>1</sup>**

**Section 705.010. City's Relationship to End User — City's Powers.**

**[Ord. No. 185 §6]**

The water user of a City is a customer and there is no contract existing between the City and water customer and the City is liable only for reasonable care. The City and water user shall abide only by the rules of public health set up by the Missouri State Health Board as to any

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1. Note — Ord. no. 690, adopted July 19, 2004, passed in compliance with DNR requirements and relating to water rules and regulations, is on file in the City offices.

contamination of the water. There shall be no contract to furnish water for any length of time; and the City water may be stopped and the Board of Aldermen and City Water Commissioner and the Mayor, in case of any emergency, act of providence or break down may limit the use of water or curtail the use of water; and on account of a fire or a drought, or in case the water supply is limited at the well, may limit the use of water for home use, or may either limit or prohibit the use of water for watering gardens or lawns.

#### **Section 705.020. Violations.**

##### **[Ord. No. 185 §7]**

Any of the conditions in Section 705.010 may be made effective by a proclamation of the Mayor and the violation of any of the terms of the proclamation or the conditions of this Article shall constitute an ordinance violation and it shall be an ordinance violation to waste water or allow water to run at random or steal water or convert water to own use without paying for the same or to tamper with a water meter or turn back a water meter.

## **ARTICLE II Cross-Connection Control**

#### **Section 705.030. Cross-Connection Control — General Policy.**

##### **[Ord. No. 721 §1, 2-21-2006]**

A. *Purpose.* The purpose of this Article is:

1. To protect the public potable water supply from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.
2. To promote the elimination, containment, isolation or control of existing cross-connections, actual or potential, between the public or consumer's potable water system and non-potable water systems, plumbing fixtures and industrial process systems.
3. To provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

B. *Application.* This Article shall apply to all premises served by the public potable water system of the City of Stover.

C. *Policy.*

1. This Article will be reasonably interpreted by the Water Purveyor. It is the Water Purveyor's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

2. The Water Purveyor shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross-connections. The Water Purveyor and consumer are jointly responsible for preventing contamination of the water system.
3. If, in the judgment of the Water Purveyor or his/her authorized representative, cross-connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumer shall immediately comply by providing the required protection at his/her own expense and failure, refusal or inability on the part of the consumer to provide such protection shall constitute grounds for discontinuing water service to the premises until such protection has been provided.

**Section 705.040. Definitions.****[Ord. No. 721 §2, 2-21-2006]**

The following definitions shall apply in the interpretation and enforcement of this Article.

**AIR-GAP SEPARATION** — The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the overflow level rim of the receptacle and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one (1) inch.

**AUXILIARY WATER SUPPLY** — Any water source or system, other than the public water supply, that may be available in the building or premises.

**BACKFLOW** — The flow, other than the intended direction of flow, of any foreign liquids, gases or substances into the distribution system of a public water supply.

**BACKFLOW PREVENTION DEVICE** — Any device, method or type of construction intended to prevent backflow into a potable water system.

**CONSUMER** — The owner or person in control of any premises supplied by or in any manner connected to a public water system.

**CONTAINMENT** — Protection of the public water supply by installing a cross-connection control device or air-gap separation on the main service line to a facility.

**CONTAMINATION** — An impairment of the quality of the water by sewage, process fluids or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

**CROSS-CONNECTION** — Any physical link between a potable water supply and any other substance, fluid or source which makes possible contamination of the potable water supply due to the reversal flow of the water in the piping system or distribution system.

**HAZARD, DEGREE OF** — An evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

1. *Hazard, Health:* Any condition, device or practice in the water supply system and its operation which could create or may create a danger to the health and well-being of the water consumer.
2. *Hazard, Plumbing:* A plumbing type cross-connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air-gap separation or backflow prevention device.
3. *Hazard, Pollutional:* An actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would be not be dangerous to health.
4. *Hazard, System:* An actual or potential threat of severe damage to the physical properties of the public water system or the consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

**INDUSTRIAL PROCESS SYSTEM** — Any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in form or concentration such as would constitute a health, system, pollutional or plumbing hazard if introduced into a potable water supply.

**ISOLATION** — Protection of a facility service line by installing a cross-connection control device or air-gap separation on an individual fixture, appurtenance or system.

**POLLUTION** — The presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

**PUBLIC POTABLE WATER SYSTEM** — Any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Missouri Department of Natural Resources.

**SERVICE CONNECTION** — The terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

**WATER PURVEYOR** — The owner, operator or individual in responsible charge of a public water system.

#### **Section 705.050. Cross-Connections Prohibited.**

**[Ord. No. 721 §3, 2-21-2006]**

- A. No water service connection shall be installed or maintained to any premises where actual or potential cross-connections to the public potable or consumer's water system

may exist unless such actual or potential cross-connections are abated or controlled to the satisfaction of the Water Purveyor and as required by the laws and regulations of the Missouri Department of Natural Resources.

- B. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the Water Purveyor and the Missouri Department of Natural Resources.
- C. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities and fixtures have not been constructed and installed using acceptable plumbing practices considered by the Water Purveyor as necessary for the protection of health and safety.

#### **Section 705.060. Survey and Investigations.**

**[Ord. No. 721 §4, 2-21-2006]**

- A. The consumer's premises shall be open at all reasonable times to the Water Purveyor or his/her authorized representative for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.
- B. On request by the Water Purveyor or his/her authorized representative, the consumer shall furnish information on water use practices on his/her premises to determine whether there are actual or potential cross-connections to his/her water system through which contaminants or pollutants could backflow into his/her or the public potable water system.

#### **Section 705.070. Type of Protection Required.**

**[Ord. No. 721 §5, 2-21-2006]**

- A. The type of protection required by this Article shall depend on the degree of hazard which exists, as follows:
  - 1. An approved air-gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.
  - 2. An approved air-gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.
  - 3. An approved air-gap separation or an approved reduced pressure principle backflow prevention device or an approved double-check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a potential hazard not dangerous to health.

**Section 705.080. Where Protection Is Required.****[Ord. No. 721 §6, 2-21-2006]**

- A. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the Water Purveyor or the Missouri Department of Natural Resources, actual or potential hazards to the public potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard.
- B. An approved air-gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the Water Purveyor or the Missouri Department of Natural Resources, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises would present an immediate and dangerous hazard to health should a cross-connection occur, even though such cross-connection may not exist at the time the backflow prevention device is required to be installed. This includes, but is not limited to, the following situations:
  - 1. Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the Water Purveyor and the Missouri Department of Natural Resources.
  - 2. Premises having internal cross-connections that are not correctable or intricate plumbing arrangements which make it impractical to ascertain whether or not cross-connections exist.
  - 3. Premises where entry is restricted so that inspecting for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross-connections do not exist.
  - 4. Premises having a repeated history of cross-connection being established or re-established.
  - 5. Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.
  - 6. Premises on which any substance is handled under pressure so as to permit entry into the public water supply or where a cross-connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
  - 7. Premises where materials of a toxic or hazardous nature are handled such that if backsiphonage or backpressure should occur, a serious health hazard may result.
- C. The following types of facilities fall into one (1) or more of the categories of premises where an approved air-gap separation or reduced pressure principle backflow prevention device is required by the Water Purveyor and the Missouri Department of Natural Resources to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or

corrected by other methods to the satisfaction of the Water Purveyor and the Missouri Department of Natural Resources:

1. Aircraft and missile plants.
2. Automotive plants.
3. Auxiliary water systems.
4. Beverage bottling plants.
5. Canneries, packing houses and reduction plants.
6. Car washing facilities.
7. Chemical manufacturing, processing, compounding or treatment plants.
8. Film laboratories.
9. Fire protection systems.
10. Hazardous waste storage and disposal sites.
11. Hospitals, mortuaries, clinics.
12. Irrigation and sprinkler systems.
13. Laundries and dye works.
14. Metal manufacturing, cleaning, processing and fabricating plants.
15. Oil and gas production, storage or transmission properties.
16. Paper and paper products plants.
17. Plating plants.
18. Power plants.
19. Printing and publishing facilities.
20. Radioactive material processing plants or nuclear reactors.
21. Research and analytical laboratories.
22. Rubber plants, natural and synthetic.
23. Sewage and storm drainage facilities — pumping stations.
24. Waterfront facilities and industries.

**Section 705.090. Backflow Prevention Devices.****[Ord. No. 721 §7, 2-21-2006]**

- A. Any backflow prevention device required by this Article shall be of a model or construction approved by the Water Purveyor and the Missouri Department of Natural Resources.
  - 1. Air-gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one (1) inch.
  - 2. A double-check valve assembly or a reduced pressure principle backflow prevention device shall be approved by the Water Purveyor and shall appear on the current "list of approved backflow prevention devices" established by the Missouri Department of Natural Resources.
- B. Existing backflow prevention devices approved by the Water Purveyor at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this Article so long as the Water Purveyor is assured that they will satisfactorily protect the water system. Whenever the existing device is moved from its present location or requires more than minimum maintenance or when the Water Purveyor finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this Article.

**Section 705.100. Installation.****[Ord. No. 721 §8, 2-21-2006]**

- A. Backflow prevention devices required by this Article shall be installed at a location and in a manner approved by the Water Purveyor and shall be installed at the expense of the water consumer.
- B. Backflow prevention devices installed on the service line to the consumer's water system shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.
- C. Backflow prevention devices shall be located so as to be readily accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid.

**Section 705.110. Inspection and Maintenance.****[Ord. No. 721 §9, 2-21-2006]**

- A. It shall be the duty of the consumer at any premises on which backflow prevention devices required by this Article are installed to have inspection, tests and overhauls made in accordance with the following schedule or more often where inspections indicate need.

1. Air-gap separations shall be inspected at the time of installation and at least every twelve (12) months thereafter.
  2. Double-check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed and at least every thirty (30) months.
  3. Reduced pressure principle backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed and at least every five (5) years.
- B. Inspections, tests and overhauls of backflow prevention devices shall be made at the expense of the water consumer and shall be performed by a State of Missouri certified backflow prevention device tester.
- C. Whenever backflow prevention devices required by this Article are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.
- D. The water consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections and repairs. Records of inspections, tests, repairs and overhauls shall be made available to the Water Purveyor upon request.
- E. Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the Water Purveyor.

**Section 705.120. Violations.**

**[Ord. No. 721 §10, 2-21-2006]**

- A. The Water Purveyor shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention device required by this Article is not installed, tested and maintained in a manner acceptable to the Water Purveyor, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises.
- B. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this Article to the satisfaction of the Water Purveyor.

ARTICLE III  
**Miscellaneous Provisions**

**Section 705.130. Seasonal Water Service for Non-Sewer Purposes — Customer Responsibilities — Procedures.**

**[Ord. No. 654 §§1 — 4, 5-16-2002]**

- A. Any water customer of the Stover municipal water service desiring to use municipal water for irrigation purposes or other non-sewer purposes wherein said water shall not be ultimately released into the Stover wastewater system shall purchase a separate water meter either from their own supplier or from the City of Stover and cause same to be installed so as to meter all amounts of water used for non-sewer purposes.
- B. Any customer installing said meter shall notify the Municipal Clerk who shall cause a monthly reading with the non-sewer water meter to be made at the same time as the regular reading of the meter servicing said customer's entire property. The amount of water as metered for non-sewer purposes shall then be deducted prior to the computation for sewer charges thereon, provided however, that said reduction shall only occur during the months of May through September, inclusive, of each year.
- C. All costs of a separate meter and the installation thereof shall be the exclusive responsibility of the water service customer utilizing same.
- D. Any customer utilizing the provisions of this Article shall notify the Municipal Clerk annually prior to May first (1st) of each year of their intent to use said meter for non-sewer purposes in order to receive the adjustments provided for herein.

**Section 705.140. Non-Residents Wishing to Connect to City Water and Sanitary Sewer System — Conditions — Fees.**

**[Ord. No. 212 §1, 5-5-1958]**

- A. Non-resident patrons of the City sanitary sewer and water system of Stover shall have the right to apply for permission to connect and hook on to the City sanitary sewer system and water system.
  - 1. Any applicant will have to furnish their own right-of-way to reach the sewer lateral or water line, and the City employees are to have a right in writing to inspect the sewer and water connections from time to time to either cut same off or make any needed repairs. Any expense of construction to make the connection shall be by the applicant and patron and his/her successive users and any user of the sewer and water connection to pay for any inspections or repairs.
  - 2. Any connection must be approved by the Stover Sewer and Water Superintendent, and any application must be granted by a written permit and same according to any City Plumbing Code.
  - 3. All charges to be paid at the time of hookup and connection. Charges to be collected annually of not a City water user, otherwise, patron to pay usual sewerage tax through water consumption rate.

ARTICLE IV  
**Lead Ban Policy**

**Section 705.150. Lead Ban — General Policy.****[Ord. No. 795 §1, 2-22-2011; Ord. No. 872, 12-16-2019]**

- A. Purpose. The purpose of this Article is:
1. To ban the use of lead materials in the public drinking water system and private plumbing connected to the public drinking water system; and
  2. To protect City residents from lead contamination in the City's public drinking water system and their own private plumbing systems.
- B. Application. This Article shall apply to all premises service by the public drinking water system of the City of Stover.
- C. Policy. This Article will be reasonably interpreted by the Water Purveyor. It is the purveyor's intent to ban the use of lead based material in the construction or modification of the City's drinking water system or private plumbing connected to the City system. The cooperation of all consumers is required to implement the lead ban.

If, in the judgment of the Water Purveyor or his/her authorized representative, lead base materials have been used in new construction or modifications after January 1, 1989, due notice shall be given to the consumer. The consumer shall immediately comply by having the lead base materials removed from the plumbing system and replaced with lead free materials. If the lead base materials are not removed from the plumbing system, the Water Purveyor shall have the right to discontinue water service to the premises.

**Section 705.160. Definitions.****[Ord. No. 795 §2, 2-22-2011; Ord. No. 872, 12-16-2019]**

The following definitions shall apply in the interpretation and enforcement of this Article.

**CONSUMER** — The owner or person in control of any premises supplied by or in any manner connected to a public water system.

**LEAD BASE MATERIALS** — Any material containing lead in excess of the quantities specified in the definition of "lead free."

**LEAD FREE** —

1. When used with respect to solder and flux, refers to solders and flux containing not more than two-tenths percent (0.2%) lead; and
2. When used with respect to pipes and pipe fittings, refers to pipes and pipe fittings containing not more than point twenty five percent (0.25%) lead

**PUBLIC DRINKING WATER SYSTEM** — Any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and

domestic purposes and meets the requirements of the Missouri Department of Natural Resources.

**WATER PURVEYOR** — The owner, operator or individual in responsible charge of a public water system.

**Section 705.170. Lead Banned From Drinking Water Plumbing.**

**[Ord. No. 795 §3, 2-22-2011; Ord. No. 872, 12-16-2019]**

- A. No water service connection shall be installed or maintained to any premises where lead base materials were used in new construction or modifications of the drinking water plumbing after January 1, 1989.
- B. If a premises is found to be in violation of Subsection (A) of this Section, water service shall be discontinued until such time that the drinking water plumbing is lead free.

## Chapter 710

### SEWERS

**Section 710.010. Sewer System Definitions.**

**Section 710.020. Use of Public Sewers Required.**

**Section 710.030. Private Sewage Disposal.**

**Section 710.040. Building Sewers, Connections and Fees.**

**Section 710.050. Use of Public Sewers.**

**Section 710.055. Additional Prohibited Waste.**

**Section 710.060. Damage to Sewer Facilities.**

**Section 710.070. Authority and Powers of Sewer Inspectors.**

**Section 710.080. Sewer Penalties.**

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#### **Section 710.010. Sewer System Definitions.**

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

**BOD** (denoting BIOCHEMICAL OXYGEN DEMAND) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20°C), expressed in milligrams per liter.

**BUILDING DRAIN** — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (one point five {1.5} meters) outside the inner face of the building wall.

**BUILDING SEWER** — The extension from the building drain to the public sewer or other place of disposal.

**GARBAGE** — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from handling, storage and sale of produce.

**HEALTH OFFICER or CHIEF OF POLICE** — The persons appointed to said positions according to the laws governing such appointments or person or persons authorized to act as their agent.

**HUMAN EXCRETA** — The bowel or kidney discharges of human beings.

**INDUSTRIAL WASTES** — The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

**NATURAL OUTLET** — Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

**PERSON** — Any individual, firm, company, association, corporation or group.

**pH** — The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**PROPERLY SHREDDED GARBAGE** — The wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch (one point twenty-seven (1.27) centimeters) in any dimension.

**PUBLIC SEWER** — A sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

**SANITARY SEWER** — A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

**SEWAGE** — The water-carried waste products or discharges from human beings or animals, or chemicals or other wastes from residences, public or private buildings, swimming pools or industrial establishments, together with such ground, surface or stormwater as may be present.

**SEWAGE TREATMENT PLANT** — Any arrangement of devices and structures used for treating sewage.

**SEWAGE WORKS** — All facilities for collecting, pumping, treating and disposing of sewage.

**SEWER** — A pipe or conduit for carrying sewage.

**SHALL** — Is mandatory; **MAY** — is permissive.

**SLUGS** — 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 or flows during normal operation.

**STORM DRAIN** (sometimes termed "STORM SEWER") — A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

**SUPERINTENDENT** — The General Superintendent of the City of Stover, or his/her authorized deputy, agent or representative.

**SUSPENDED SOLIDS** — Solids that either float on the surface, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

**WATERCOURSE** — A channel in which a flow of water occurs, either continuously or intermittently.

#### **Section 710.020. Use of Public Sewers Required.**

**[Ord. No. 882, 3-21-2022]**

- A. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

- B. It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
- D. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required at his/her 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 Chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet [thirty point five (30.5) meters] of the property line.
- E. All owners of unincorporated land who desire to connect into the City's sanitary sewer system must agree, in writing, to obey and abide by the provisions of this Chapter before connection into the City's sanitary sewers.
- F. Special exceptions and exclusions may be granted by majority vote of the Board of Aldermen.

**Section 710.030. Private Sewage Disposal.**

- A. Where a public sanitary sewer is not available under the provisions of Section 710.020(D), the building sewer shall be connected to a private sewage disposal system complying with all State requirements.
- B. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than five thousand (5,000) square feet (four thousand six hundred forty-five {4,645} square meters). No septic tank or cesspool shall be permitted to discharge into any natural outlet.
- C. The owner shall operate and maintain the private sewage facilities in a sanitary manner at all times, at no expense to the City.
- D. No statement contained in this Chapter shall be construed to interfere with additional requirements that may be imposed by the Health Officer.
- E. 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 suitable material.

**Section 710.040. Building Sewers, Connections and Fees.**

- A. *Connections.* No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
- B. *Fees.* Sewer connection fees shall be as set out in Table I to Title IV of the Municipal Code of the City of Stover.
- C. *Costs.* All costs and expenses 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.
- D. *Separate Sewers.* A separate and independent building sewer shall be provided for every building, except where one (1) 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 (1) building sewer.
- E. *Old Sewers.* 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 Chapter.
- F. *Construction Standards.* The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of Code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F., Manual No. 9, shall apply.
- G. *Gravity Lines.* 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 into the building sewer.
- H. *Surface Water Banned.* No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sewer.
- I. *Connection Standards.* 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.
- J. *Inspections.* The applicant for the building sewer permit shall notify the Building Inspector when the building sewer is ready for inspection and connection to the public

sewer. The connection shall be made under the supervision of the Superintendent or his/her representative.

- K. *Excavations Safeguarded.* All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

**Section 710.050. Use of Public Sewers.**

- A. *Surface Water.* No person shall discharge or cause to be discharged, any stormwaters, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
- B. *Storm Sewers.* Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent, to a storm sewer, or natural outlet.
- C. *Prohibited Substances.* No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
  2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged into the public sewers.
  3. Any waters or wastes having a pH lower than five point five (5.5) or higher than eight point five (8.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
  4. Solid or viscous substances in quantities or of such size capable of causing obstructions 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.
- D. *Prohibited Discharges.* 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/her 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 or construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees fahrenheit (150°F) or sixty five degrees (65°) centigrade.
2. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°) and one hundred fifty degrees (150°) fahrenheit. (zero degrees (0°) and sixty five degrees (65°) centigrade).
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourth ( $\frac{3}{4}$ ) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
4. Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not.
5. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances, or wastes exerting a chlorine requirement, to such a degree that any such material received in the composite sewage at the sewage treatment works exceed the limits established by the Superintendent for such materials.
6. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
8. Any waters or wastes having a pH in excess of nine point five (9.5).
9. Materials which exert or cause:
  - a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - b. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).
  - c. Any waters or wastes having:
    - (1) A five (5) day biochemical demand greater than three hundred (300) parts per million by weight, or

- (2) Containing more than three hundred fifty (350) parts per million by weight of suspended solids, or
      - (3) Having an average daily flow greater than two percent (2%) of the average sewage flow of the City.
    - d. Unusual volume or flow or concentration of wastes constituting "*slugs*" as defined herein.
  10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharges to the receiving waters.
- E. *Superintendent's Decisions.* If any waters or wastes are discharged, or are proposed to be discharged into the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 710.050(D), and which in the judgment of the Superintendent, may have deleterious effect upon the sewage works, processes, equipment or receiving water, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
  1. Reject the wastes.
  2. Require pretreatment to an acceptable condition for the discharge into the public sewers.
  3. Require control over the quantities and rates of discharge, and/or,
  4. Require payment to cover the added cost of handling and treating wastes not covered by existing taxes or sewer charges under the provisions of Section 710.050(J). If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.
- F. *Interceptors For Greases And Oils.* 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.
- G. *Preliminary Treatment.* Where preliminary treatment or flow-equalization facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.
- H. *Access Manhole.* 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/her expense, and shall be maintained by him/her so as to be safe and accessible at all times.

- I. *Measurements.* All measurements, tests and analysis of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solid analyses are obtained from the twenty-four (24) hour composites of all outfalls whereas pHs are determined from periodic grab samples.)
- J. *Agreements For Special Treatment.* No statement contained in this Chapter 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 therefor, by the industrial concern.

#### **Section 710.055. Additional Prohibited Waste.**

**[Ord. No. 779 §§1 — 3, 1-19-2010]**

- A. No person nor any owner of any property served by a building sewer shall discharge or cause to be discharged any of the following described waste into any public sewer:
1. Any plastic or rubber items including any rubber or plastic gloves or any other plastic or rubber items.
  2. Any other rags, towels, metal, wood or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the municipal sewerage works.
  3. Any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial processed waters.
- B. When required by the Director of Public Works, the owner of any property served by a building sewer carrying hospital, nursing home or industrial waste shall install a suitable controlled manhole in the building sewer, as well as a bar screen to facilitate observation sampling and measurements of the waste, with the bar screen being sufficient to prevent any such prohibited waste from reaching the City sewer. Such manhole, when required, shall be accessibly and safely located and constructed in accordance with plans approved by the Director of Public Works. The manhole and bar screen shall be installed by the

owner at his/her expense and shall be maintained by them, so as to be safe and accessible at all times.

- C. Any building owner who fails to install the suitable control manhole and/or the bar screen as required by Subsection (B) shall be liable for all damages which thereafter ensue by reason of the failure to install a control manhole and/or bar screen as required. In addition thereto, the Director of Public Works may cause the disconnection and termination of water and sewage services to the property until such time as this Section is complied with.

**Section 710.060. Damage to Sewer Facilities.**

- A. 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.
- B. Any person violating any of the provisions of this Chapter shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.

**Section 710.070. Authority and Powers of Sewer Inspectors.**

- A. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Chapter. The Superintendent or his/her representatives shall not have authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- B. While performing the necessary work on private properties referred to in Section 710.070(A), the Superintendent or his/her 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 710.050(H).
- C. 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 easement for the purpose of, but not limited to: inspection; observation; measurement; sampling; repair; or 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.

**Section 710.080. Sewer Penalties.**

- A. Any person found to be violating any provision of this Chapter except Section 710.060, shall be served by the City with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Any person who shall continue any violation beyond the time limit provided for in Section 710.080(A), shall be guilty of a misdemeanor. Each day in which any such violations shall continue shall be deemed a separate offense.

## CROSS REFERENCE



## Chapter CR

### CROSS REFERENCE

#### Section CR.010. Cross Reference Table.

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#### Section CR.010. Cross Reference Table.

Ordinance Number	Disposition/ Date of Adoption	Section of Ordinance	Section of This Code
1	Superseded		
18	Superseded		
19	Superseded/684		
22	Superseded		
23	Superseded/684		
24	11-9-1926	1 — 3	605.030
25	Superseded		
27	Superseded		
28	Superseded/524		
29	na	1 — 2	605.030
32	6-11-1917	1	Sch. I
33	Superseded/39		
34	Superseded/524		
39	Superseded/124		
50	Superseded		
51	Superseded/641		
80	N.G.A.		
82	Superseded		
84	2-27-1934	1	210.170
91	12-11-1934	1	Sch. I
		2	320.030
93	1935	1 — 5	505.300 — 505.340
97	10-8-1935	1 — 3	605.030
98	2-11-1936	1 — 6	605.030
102	Superseded/216		
106	8-10-1937	1	Sch. VI
116	Superseded		
122	Repealed/185		
124	Superseded		

<b>Ordinance Number</b>	<b>Disposition/ Date of Adoption</b>	<b>Section of Ordinance</b>	<b>Section of This Code</b>
148	7-13-1943	1 — 2	605.030
178	2-6-1950	1	320.030, Sch. I
185	na	6 — 7	705.010 — 705.020
199	N.G.A.		
199	2-6-1956	1	700.010
206	2-4-1957	3 — 6	365.140
208	Superseded/211		
210	5-5-1958	1 — 4	130.120
211	Superseded		
212	5-5-1958	1	705.140
216	4-6-1959	na	505.050 — 505.290
232	Superseded		
233	Superseded		
238	10-30-1963	1 — 2	615.010
244	Superseded		
260 (Supp #11)	3-3-1969	1 — 5	615.030
264	Superseded		
278	10-5-1970	1 — 2	Sch. I
287	Repealed/399		
294	Superseded		
307	11-3-1975	1 — 3	210.680
312	5-3-1976	1 — 2	605.030
316	Superseded		
317	9-7-1976	1	Sch. II
323	Superseded		
324	N.G.A.		
330	na	1 — 4	230.010 — 230.040
		8 — 9	230.050 — 230.060
346	6-4-1979	1 — 5	605.100
356	3-17-1980	1 — 4	605.030
362	Superseded		
363	6-16-1980	1	130.130
366	8-11-1980	1	130.130
374	Superseded/377		
377	Superseded/609		
390	4-12-1982	3	205.020
		5	205.110
		8	205.030

<b>Ordinance Number</b>	<b>Disposition/ Date of Adoption</b>	<b>Section of Ordinance</b>	<b>Section of This Code</b>
396	N.G.A.		
397	9-13-1982	1	Sch. II
398	9-13-1982	1	320.030
		1 — 2	Sch. I
399	Superseded		
429	7-9-1985	1 — 2	700.050
435	8-12-1985	1	200.040
443	9-9-1985	3	505.320
444	Superseded		
447	9-9-1985	1	210.680
448	Superseded		
449	Superseded/673		
450	9-9-1985	4	600.035
		12	600.110
451	10-14-1985	1	Sch. I
452	Superseded		
454	Superseded		
457	Superseded		
458	Repealed		
466	Superseded		
467	2-10-1986	1	615.010
471	Superseded		
479	Superseded		
483	N.G.A.		
485	Superseded		
486	9-29-1986	1	700.050
490	Superseded/675		
492	Superseded/646		
500	5-11-1987	1 — 6	210.575 — 210.600
501	N.G.A.		
504	Superseded		
515	10-10-1988	1	Sch. III
517	12-12-1988	1	Sch. III
518	12-19-1988	1	700.050
523	2-13-1989	1	Sch. II
524	3-13-1989	1 — 3	205.150
532	Superseded		
533	8-14-1989	1 — 2	200.050

<b>Ordinance Number</b>	<b>Disposition/ Date of Adoption</b>	<b>Section of Ordinance</b>	<b>Section of This Code</b>
536	Superseded		
538	Superseded		
539	11-20-1989	1	Sch. III
541	Personnel		
542	Superseded		
545	2-12-1990	1	230.060
552	11-13-1990	1	230.060
554	12-10-1990	1	130.140
556	2-11-1991	2	615.020
561	11-11-1991	2	615.020
562	11-18-1991	1 — 3	235.010 — 235.030
570	Personnel		
571	7-13-1992	1	Sch. II
572	7-13-1992	1(a)(b)	Sch. III
574	12-14-1992	2	615.020
577	Personnel		
579	2-8-1993	2	615.020
581	3-29-1993	1	Sch. I
583	Superseded/646		
585	Superseded		
591	N.G.A.		
594	10-18-1993	1 — 2	200.040
597	11-17-1994	1	Sch. I
598	11-17-1994	1 — 2	210.690
599	na	1	210.680
600	Superseded		
601	na	1	700.050
606	na	1	210.585
		2	210.600
607	na	1 — 2	700.030
608	na	1 — 5	200.060
609	na	1	Sch. III
611	na	1 — 7	230.010 — 230.070
612	6-12-1997	1 — 5	Sch. V
622	N.G.A.		
628	Superseded		
629	10-14-1999	1	Sch. I
630	4-18-2000	1 — 3	700.040

<b>Ordinance Number</b>	<b>Disposition/ Date of Adoption</b>	<b>Section of Ordinance</b>	<b>Section of This Code</b>
633	Repealed/649		
634	2-15-2001	1	230.060
635	3-15-2001	1	205.030
636	3-15-2001	1	605.030
637	N.G.A.		
638	Superseded/646		
640	Superseded		
641	5-24-2001	1 — 2	205.130
642	5-24-2001	1 — 6	510.010 — 510.060
643	Superseded		
644	Superseded		
646	Personnel		
649	1-17-2001	1 — 4	700.020
654	5-16-2002	1 — 4	705.130
655	Superseded		
656	8-15-2002	1 — 5	605.110 — 605.150
661	10-17-2002	1	Sch. I
671	7-24-2003	1	700.050
673	7-24-2003	1	210.285
675	9-18-2003	1 — 4	505.010 — 505.040
679	Superseded		
683	5-17-2004	1	320.030
		2 — 6	Sch. I
684	5-17-2004	1	205.120
		3	205.110
		4 — 6	205.020 — 205.040
		7	205.140
		8	205.130
		9	605.100
		10	205.160
692	8-16-2004	1	700.050
693	Personnel		
694	8-16-2004	1 — 2	115.095
695	N.G.A.		
701	1-24-2005	1 — 2	115.095
720	1-23-2006	1 — 6	365.080 — 365.130
		Exh. A	Sch. IV
721	2-21-2006	1 — 10	705.030 — 705.120

<b>Ordinance Number</b>	<b>Disposition/ Date of Adoption</b>	<b>Section of Ordinance</b>	<b>Section of This Code</b>
726	Superseded		
727	5-15-2006	1 — 2	230.080
728	N.G.A.		
730 (Supp #11)	6-29-2006	1	615.030
746 (Supp #11)	2-20-2007	1	615.030
<b>Supp. #1, 5/08</b>			
756	3-17-2008	1 — 10	Adopting Ordinance
758	4-22-2008	1	215.110(D)
760	5-29-2008	1	215.040(B — D)
<b>Supp. #2, 11/09</b>			
761	6-30-2008	1	700.050
762	6-30-2008	1	700.050
763	N.G.A.		
764	N.G.A.		
765	10-27-2008	1	130.150 — 130.210
766	N.G.A.		
767	N.G.A.		
768	5-18-2009	1	600.040(1)(g)
769	N.G.A.		
770	N.G.A.		
771	N.G.A.		
773	N.G.A.		
774	7-20-2009	1	700.050
775	7-20-2009	1	700.050
776	N.G.A.		
777	N.G.A.		
778	11-16-2009	1 — 3	215.120
<b>Supp. #3, 9/10</b>			
779	1-19-2010	1 — 3	710.055
780	N.G.A.		
781	2-9-2010	1	230.060(A)
782	N.G.A.		
783	N.G.A.		
784	3-16-2010	1	415.010 — 415.260
785	N.G.A.		
786	6-21-2010	1	700.050(A)
788	N.G.A.		
789	N.G.A.		

<b>Ordinance Number</b>	<b>Disposition/ Date of Adoption</b>	<b>Section of Ordinance</b>	<b>Section of This Code</b>
791	9-23-2010	1 — 2	700.030
792	11-12-2010	1	700.040
<b>Supp. #4, 4/11</b>			
793	N.G.A.		
795	2-22-2011	1 — 3	705.150 — 705.170
796	N.G.A.		
<b>Supp. #5, 12/12</b>			
797	N.G.A.		
798	N.G.A.		
799	N.G.A.		
800	3-19-2012	1 — 3	135.010
801	N.G.A.		
802	5-21-2012	na	210.537
803	6-4-2012	1 — 6	135.020
804	6-21-2012	1	210.035
805	N.G.A.		
806	N.G.A.		
807	N.G.A.		
808	N.G.A.		
809	N.G.A.		
810	N.G.A.		
811	N.G.A.		
812	N.G.A.		
813	N.G.A.		
814	N.G.A.		
815	N.G.A.		
816	2-19-2013	na	210.595
817	2-19-2013	na	605.110
<b>Supp. #6, 8/14</b>			
818	3-25-2013	1	700.050
819	N.G.A.		
820	N.G.A.		
821	9-16-2013	na	Rpld 700.040(C), 700.050(C)
822	N.G.A.		
823	8-19-2013	1 — 2	125.330
824	9-16-2013	na	135.020
825	N.G.A.		

<b>Ordinance Number</b>	<b>Disposition/ Date of Adoption</b>	<b>Section of Ordinance</b>	<b>Section of This Code</b>
826	N.G.A.		
827	N.G.A.		
828	N.G.A.		
829	8-18-2014	1 — 3	Sch. VII, Tbl, VII-A
<b>Supp. #7, 12/15</b>			
830	N.G.A.		
831	N.G.A.		
832	N.G.A.		
833	9-21-2015	1	700.020 — 700.040
834	N.G.A.		
835	N.G.A.		
836	N.G.A.		
837 (Supp #9)	N.G.A.		
838 (Supp #9)	Number not used		
839 (Supp #9)	N.G.A.		
840 (Supp #9)	N.G.A.		
841 (Supp #9)	11-21-2016	1	205.130 — 205.135
<b>Supp. #8, SB 491</b>			
842	11-21-2016	2	Ch. 210
<b>Supp. #9, 11/16</b>			
843	11-21-2016	1 — 5	117.010 — 117.050
<b>Supp. #10, 11/17</b>			
844	N.G.A.		
845	N.G.A.		
846	N.G.A.		
847	N.G.A.		
848	N.G.A.		
849	N.G.A.		
850	10-1-2017	1	700.050
851	N.G.A.		
852	N.G.A.		
<b>Supp. #11, 9/18</b>			
854	N.G.A.		
856	9-20-2018	1 — 2	Ch. 125
<b>Supp. #12, 12/18</b>			
857	11-26-2018	1	700.050
858	11-26-2018		NGA
859	11-26-2018	1	115.210

<b>Ordinance Number</b>	<b>Disposition/ Date of Adoption</b>	<b>Section of Ordinance</b>	<b>Section of This Code</b>
860	11-26-2018	1	340.115
861	11-26-2018		NGA
<b>Supp 13, Jan 2020</b>			
862			NGA
863			NGA
864			NGA
865	7-23-2019	1	Ch. 117
866	7-23-2019	1	210.2220
867	8-19-2019		NGA
868	9-16-2019	1	700.015
869	10-22-2019		NGA
870	11-18-2019	na	Ch. 515, Note @ Chs. 355 & 365
871	12-16-2019		NGA
872	12-16-2019	1 — 3	Ch. 705, Art. IV
873	1-13-2020		NGA

<b>Ord. No.</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>	<b>Supp. No.</b>
874	6-15-2020	Results of Election	NGA	14
875	8-24-2020	Tax Levy	NGA	14
876	1-25-2020	Call for Election	NGA	14
877	4-19-2021	Results of Election	NGA	14
878	6-21-2021	Budget	NGA	14
879	7-17-2021	Conflicts of Interest Amendment	Ch. 117	14
880	8-17-2021	Tax Levy	NGA	14
881	12-20-2021	Annual City Election	NGA	15
882	3-21-2022	Sewers Amendment	Ch. 710	15
883	4-18-2022	Election Results	NGA	15
884	6-21-2022	Bond	NGA	15
885	6-27-2022	Budget	NGA	15
886	8-22-2022	Tax Levy	NGA	15
887	9-17-2022	TAP Agreement	NGA	15

<b>Ord. No.</b>	<b>Adoption Date</b>	<b>Subject</b>	<b>Disposition</b>	<b>Supp. No.</b>
888	11-21-2022	Municipal Agreement with Missouri Highways and Transportation Commission	NGA	15
889	12-19-2022	Annual City Election	NGA	15
890	2-21-2023	Fireworks: Generally Amendment	Ch. 235, Art. I	15
891	3-8-2023	Municipal Agreement with Missouri Highways and Transportation Commission	NGA	15

N.G.A.	—	Not generally applicable.
Superseded	—	Superseded means rendered obsolete by a later ordinance without being specifically repealed; if there is no ordinance number noted after the word superseded, the ordinance was rendered obsolete by provisions agreed upon at the editorial conference and implemented by the adopting ordinance of this Code.
Repealed	—	Specifically repealed by a later ordinance.
na	—	Not applicable.

## STATE LAW REFERENCE TABLE

The following tables are a cross reference listing in numerical order of the Sections of the Code and the State Statutes that correspond to that Section or are referenced in that Section. In order to facilitate the use of this cross reference the order is reversed in the second table with the State Statute Section numbers placed in numerical order and the corresponding Code Sections listed opposite them.

<b>Section of this Code</b>	<b>Statute Section</b>
100.010	79.010
100.080	1.020
100.090	1.090
100.120	1.160
100.130	1.150
100.190	1.030.2
100.200	1.050
100.220	79.470
105.010	Ch. 115
105.020 — 105.025	79.050 — 79.060
105.030	115.127.5
105.035	71.005, 115.342, 115.346
105.040	115.127.5
105.060	115.125
110.010 — 110.100	79.070 — 79.160
110.110	79.165
110.120 — 110.160	79.180 — 79.220
115.010	79.050
115.020 — 115.080	79.230 — 79.290
115.090	79.320
115.095	79.230
115.100	79.300
115.120	79.310
115.190 — 115.200	79.340 — 79.350
120.010	Ch. 352, Ch. 353, Ch. 355, 610.010
120.020	610.011, 610.021
120.030	610.021, 610.025
120.040	610.020.1 — 3,5, 610.022.2
120.050	610.022.1, 610.022.3
120.060	610.015, 610.020.7
120.070	610.020.2, 610.020.4
120.080	610.024
120.090	610.023
120.100	610.010 — 610.027
120.110	32.091, 610.026
120.120	610.100
120.130	320.083, Ch. 566, 610.027, 610.100(2)(3)(4)(6)(7)
120.140	198.006, 552.030, Ch. 566, 568.045, 568.050, 568.060, 568.065, 568.080, 568.090, 568.175, 610.105, 660.250
120.150	43.500, 43.509, 43.540, 43.543, 558.019, 595.010 — 595.075, 610.120

## STOVER CITY CODE

<b>Section of this Code</b>	<b>Statute Section</b>
120.160	610.150
120.170	Ch. 566, 610.200
125.080	479.080.3
125.090	479.070
125.100	479.050
125.115	479.090
125.130 — 125.140	479.100 — 479.110
125.150	479.130, 479.150
125.160	479.020.6, 479.120
125.170 — 125.200	479.160 — 479.190
125.200	Ch. 288
125.210	479.200.2
125.220	479.200.3
125.230 — 125.250	479.210 — 479.230
125.250	478.240
125.320	479.240
125.330	488.012, 488.027, 488.5334, 488.5336, 488.607, 590.100 — 590.180, 595.045, 595.045.5
125.340	300.555
130.020 — 130.050	67.010 — 67.040
130.060	94.200
130.070	Ch. 67, 67.110(2), 137.073, 137.245(3)
130.080	94.210
130.090	94.190
130.100 — 130.110	94.290 — 94.300
130.110	140.100
130.130	94.500 — 94.570, 144.010 — 144.510
130.140	94.700 — 94.755, 144.010 — 144.510
200.020	85.620
200.030	70.815
205.050	578.009
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911  
OPEN MEETINGS AND  
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— A —

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