

## **TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE**

### **CHAPTER 200: CONTRACTS FOR SERVICES**

#### **ARTICLE I. POLICE PROTECTION**

##### **SECTION 200.010: CONTRACT FOR POLICE PROTECTION**

The Chairman, with the approval of the Board of Trustees, is authorized to enter into a contract with the Department of Police of St. Louis County to render police protection on a year-to-year basis. Such contract must be attested by the Village Clerk.

#### **ARTICLE II. COMMUNICATIONS SERVICES**

##### **SECTION 200.020: CONTRACT AUTHORIZED FOR COMMUNICATIONS SERVICES**

The Chairman of the Board of Trustees of the Town of Grantwood Village, acting on behalf of such Village, is hereby authorized to enter into on behalf of said Village an Agreement by and between the said Village and St. Louis County, Missouri, a copy of which is on file in the Village office and made a part of this Chapter, such Agreement to provide for St. Louis County to render coordinated communications services to the Town of Grantwood Village.

#### **ARTICLE III. HEALTH SERVICES**

##### **SECTION 200.030: HEALTH COMMISSIONER**

The Health Commissioner of St. Louis County shall serve as Health Commissioner of the Village and shall exercise general supervision over the public health within the Village with all powers and duties appertaining thereto according to law.

##### **SECTION 200.040: PUBLIC HEALTH SERVICE**

The Chairman of the Board of Trustees of the Town of Grantwood Village, acting on behalf of said Village, is hereby authorized to enter into and perform on behalf of said Village a contract by and between the said Village and St. Louis County, Missouri, such contract to provide for the furnishing of public health services to the citizens of said Village. Said contract shall be effective from January 1, 1971, regardless of the date of signing, and shall continue in force from year to year thereafter unless terminated by either party at the end of any calendar year by written notice of at least thirty (30) days prior thereto, in consideration of the sum of one dollar (\$1.00) per year in advance.

**SECTION 200.050: HEALTH SERVICE EQUIPMENT**

The Village shall provide all necessary space and office equipment required at no cost to St. Louis County. The County is to furnish all inspection and testing equipment supplies and laboratory facilities for which they are to be paid one dollar (\$1.00) per annum.

**ARTICLE IV. RESTAURANTS**

**SECTION 200.060: COUNTY RESTAURANT ORDINANCE ADOPTED**

Ordinance No. 13,943 of the St. Louis County Revised Ordinances, adopted in 1988, by the County and any amendments thereto, is hereby adopted as the Restaurant Ordinance for the Town of Grantwood Village, as currently adopted.

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## CHAPTER 205: ANIMAL REGULATIONS

### ARTICLE I. DOG AND CAT REGULATIONS

#### SECTION 205.010: DEFINITIONS

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

*DOGS OR CATS:* Shall be held and construed to mean all animals of the canine or feline species, both male and female.

*OWNER OR KEEPER:* Shall be held and construed to mean 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.

*PIT BULL DOG:* Shall be held and construed to mean any and all of the following dogs:

1. The Staffordshire Bull Terrier breed of dogs.
2. The American Staffordshire Terrier breed of dogs.
3. The American Pit Bull Terrier breed of dogs.
4. Dogs which have the appearance and characteristics of being predominately of the breeds of the dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier, or American Staffordshire Terrier.

*RUNNING AT LARGE:* Shall be held and construed to mean suffering 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, which may not exceed six (6) feet in length, or confined to the arms, motor vehicle, trailer or other conveyance of the owner or keeper, his/her agent or servant.

*SERIOUS PHYSICAL INJURY:* Shall be held and construed to mean 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:* Shall be held and construed to mean 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:* Shall be held and construed to mean 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:* Shall be held and construed to mean 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.
5. Any pit bull dog.

**SECTION 205.020: VACCINATION AND TAG**

The owner or keeper of any dog or cat in the Town of Grantwood Village, is hereby required to have such animals vaccinated against rabies by a licensed veterinarian and to procure a certificate of such vaccination from the veterinarian, and to present such certificate to the St. Louis County Health Commissioner or his assigns, or Police Officer at their request.

**SECTION 205.030: RUNNING AT LARGE PROHIBITED–IMPOUNDMENT**

It shall be unlawful for the owner or keeper of any dog or cat to permit the same to run at large within the Town of Grantwood Village at any time. Any dog or cat found running at large shall be impounded.

**SECTION 205.040: VICIOUS DOGS PROHIBITED–EXCEPTIONS–IMPOUNDMENT**

It shall be unlawful to own, keep, or harbor a vicious dog in the Town of Grantwood Village except in accordance with the following provisions:

1. *Leash and muzzle.* No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, or buildings. In addition, all vicious dogs on a leash outside its kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
2. *Confinement.* All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine vicious dogs must be locked with a key or combination lock when such dogs 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 vicious dog may be kept on a porch, patio or any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

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4. *Signs.* All owners, keepers or harborers of vicious dogs within the Village shall display in a prominent place on their premises a sign easily readable by the public using the words "*Beware of Dog*". In addition, a similar sign is required to be posted on the kennel or pen of such dog.

#### **SECTION 205.050: QUARANTINE**

The Board of Trustees shall have the power and authority at any time they deem it necessary for the protection of public peace, health and safety, against disease known as rabies, to issue an order of quarantine, and it shall be the duty of any person or persons who own, control, possess or have in custody any dog, to comply strictly with the quarantine order. Notice of such quarantine order shall be given by posting copies thereof in at least six (6) public places within the Village, provided however, that the Board of Trustees shall have the power and authority at any time to cancel and recall such quarantine order.

#### **SECTION 205.060: CONFINEMENT OF DOGS—WHEN**

All persons residing within the Village owning dogs are hereby required to keep such dogs confined upon their own premises, unless said dog shall be attached to a leash not more than six (6) feet long, held by a competent person, during the time any quarantine order hereinafter enacted by the Board of Trustees shall be in force. All female dogs shall be kept securely confined in an enclosed place during the copulating season.

#### **SECTION 205.070: POWERS AND DUTIES OF HEALTH COMMISSIONER, POLICE OFFICERS, ETC.**

The Health Commissioner, Police Officers or other persons designated by the public Health Commissioner, when authorized by contract or ordinance of St. Louis County or of the Village are hereby empowered, authorized and directed:

1. To catch, confine and impound all unlicensed dogs running at large within the Village and also all dogs which are required to have licenses and which are without a license displayed in the manner provided herein.
2. To catch, confine and impound all female dogs, licensed or unlicensed, not securely confined in an enclosed place during the copulating season.
3. To catch, confine and impound in a suitable place, all dogs, either licensed or unlicensed, found on any public street, sidewalk, alleyway or place, or upon private property, other than that belonging to the owner of such dog, unless said dog is on a leash not over six (6) feet long.
4. To catch, confine and impound in a suitable place, all dogs, whether running at large or on a leash, suspected of being rabid whether they manifest such symptoms or not, or affected with rabies, or infected with any other disease transmissible to humans, or any dog disclosing vicious propensities running at large.

5. To take into custody and impound and isolate for examination any dog known or suspected of having been exposed to rabies; provided however, that the power to impound diseased animals disclosing vicious propensities shall not be exercised when the owner or custodian of any dog affected by rabies, suspected of having rabies or having been exposed to rabies or of any dog disclosing vicious propensities, shall confine and isolate such animal under the supervision of and in a manner satisfactory to the Commissioner of Health and his/her deputies.
6. Carefully examine any dog bitten by or exposed to any dog affected with rabies or suspected of being rabid and shall have the power in their discretion to dispose of such animal; provided however, that such animal shall not be disposed of if the owner thereof shall confine and isolate such animal under the supervision of and in a manner satisfactory to the Health Commissioner.

**SECTION 205.080: COST OF IMPOUNDMENT**

Any officer performing duties under this Article shall be compensated from the Village Treasury as provided from time to time by the Board of Trustees. Such officer shall account to the Village for all sums collected from owners or keepers under this Article, and pay same into the Village Treasury. Costs of feeding and keeping dogs or cats impounded shall be paid from the Village Treasury.

**SECTION 205.090: NOTICE OF IMPOUNDMENT**

Every officer impounding a dog or cat under this Article shall, within twenty-four (24) hours after such impounding, enter upon a registry open to the public, and in plain public view at the Village Hall of the Village, a description of such dog or cat, including breed, color, and approximate size, and the date apprehended, and if the owner or keeper is known, the name and address of such owner or keeper; or the owner or keeper shall be given actual notice of the impoundment of such dog or cat before disposition of such dog or cat.

**SECTION 205.100: REIMBURSEMENT OF COSTS**

The owner or keeper of any dog or cat impounded under this Article may reclaim the same by paying to any official especially designated to receive the same, a sum sufficient to reimburse the Village for its costs in impounding such dog or cat and keeping it impounded. (Vil. Ord. No. 651-11, 1-18-11)

**SECTION 205.110: TERM OF IMPOUNDMENT**

It shall be the duty of any officer impounding any dog or cat under this Article to keep the same impounded for a period of seven (7) days, unless such dog or cat shall be reclaimed by his/her owner or keeper under Section 205.100 of this Article. If, after the expiration of seven (7) days from the date of such impoundment, such dog or cat shall not have been reclaimed, the same shall be disposed of or destroyed in a humane manner.

**SECTION 205.120: REPORT OF DOG BITE**

It shall be the duty of any person bitten by a dog or the parent or guardian of any minor child bitten by a dog to report the same to the Health Commissioner or his/her deputies immediately. Such report shall contain the name and address of the owner of the dog, the day and time bitten, the street location where



bitten and a general description of the animal. The Health Commissioner or his/her deputies shall immediately take the animal into custody or have it confined by the owner thereof under their supervision to determine whether such animal be affected with rabies. If the owner shall not confine such animal in a manner satisfactory to the Health Commissioner or his/her deputies, such animal shall be forthwith surrendered to them upon demand.

#### **SECTION 205.130: DESTRUCTION OF RABID ANIMALS**

No person shall destroy any animal suspected of being rabid unless it cannot be confined with undue risk of exposure to the disease. Any person destroying such animal affected with rabies shall immediately notify the Health Commissioner or his/her deputies and shall surrender the carcass of such animal upon demand. The owner or custodian of any such destroyed animal shall immediately provide the Health Commissioner or his/her deputies with full particulars thereof, including the time, date and location and the names and addresses of the owner or person having custody of any animal exposed to the animal destroyed.

#### **SECTION 205.140: OWNER OF RABID ANIMAL TO REPORT TO HEALTH COMMISSIONER**

The Health Commissioner or his/her deputies shall have the power to confine, isolate or impound any domestic animal subject to rabies and affected with rabies or suspected of being rabid or exposed to the disease other than animals of the canine species. The owner or any person having custody of any such domestic animal affected with rabies, suspected of being rabid or exposed to the disease shall be required to report the same immediately. The Health Commissioner or his/her deputies shall immediately take such domestic animal into custody and if found to be rabid or exposed to the disease, shall, in their discretion, destroy such domestic animal or have such domestic animal confined by the owner thereof under the supervision and direction in a manner satisfactory to the Health Commissioner or his/her deputies.

### **ARTICLE II. CRUELTY TO ANIMALS**

#### **SECTION 205.150: ANIMAL NEGLECT**

- 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, including, but not limited to, knowingly abandoning an animal in any place without making provisions for its adequate care which results in substantial harm to the animal.
- B. Animal neglect is a misdemeanor. All fines and penalties for a first (1st) conviction of animal neglect may be waived by the court provided that the person found guilty of animal neglect shows that adequate, permanent remedies for the neglect have been made. Reasonable costs incurred for the care and maintenance of neglected animals may not be waived.

#### **SECTION 205.160: ANIMAL ABUSE**

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

1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of Sections 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.
- B. For purposes of this Section, "*animal*" shall be defined as a mammal.

**SECTION 205.170: BULLBAITING AND COCKFIGHTING—PENALTY**

Any person who shall keep or use, or in any way be connected with or interested in the management of, or shall receive money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, cock or other creature, except dogs, and any person who shall encourage, aid or assist or be present thereat, or who shall permit or suffer any place belonging to him/her or under his/her control to be so kept or used, shall, on conviction thereof, be guilty of a misdemeanor.

**SECTION 205.180: MOLESTATION OF BIRDS AND FOWL**

It shall be unlawful for any person to molest, injure or disturb any small birds or fowl of the nest, young or brood of any such birds or fowl within the Village.

**SECTION 205.190: CUSTODIAN TO PROVIDE FOOD, SHELTER**

No person in the Village shall fail to provide any animal or fowl in his/her charge or custody with necessary sustenance, drink, and protection from the elements, or cause any of these omissions to be done. Any such shelter so provided shall be kept clean and inoffensive insofar as is reasonably possible, and filth, offal, etc., shall not be allowed to unduly accumulate therein.

**ARTICLE III. MISCELLANEOUS ANIMAL PROVISIONS**

**SECTION 205.200: ANIMAL BREEDING—BOARDING PROHIBITED**

No person shall, for the purpose of conducting a business enterprise, maintain upon his/her premises, any animals as defined in Black's Law Dictionary.

**SECTION 205.210: NON-DOMESTIC ANIMALS PROHIBITED**

- A. Non-domestic animal shall include but not be limited to all felines (other than the domestic house cat), non-human primates, bears, wolves, coyotes, foxes and venomous reptiles, and any crossbreed of such animals which have similar characteristics of the animals specified herein. In order to properly administer the

provisions of this Section, the Board of Trustees may add to or remove from the classification of non-domestic animal any bird, mammal, reptile, aquatic and amphibious forms, or other members of the animal kingdom. Additions to the list may be made only if the Board of Trustees determine, after public hearing, that such species because of habit, mode or life or natural instinct is incapable of being domesticated, requires the exercise of art, force, or skill to keep them safely in subjection, and would create a reasonable likelihood of hazard to the public.

- B. Except in an animal preserve, no person shall maintain or allow to be maintained upon their premises a non-domestic animal.

**SECTION 205.220: PETS RESTRICTED**

- A. No person shall maintain in or on his/her private property more than two (2) pets at any one time.
- B. For the purpose of this Section, "pet" is defined as a domesticated animal but the numerical limitation does not apply to fish.

**SECTION 205.230: DISTURBANCE OF THE PEACE–PUBLIC NUISANCE–BARKING DOG**

A person shall not permit a dog owned by him/her or within his/her custody or under his/her control to habitually bark thereby reasonably causing the peace of any person of ordinary temper and disposition to be disturbed. A dog which habitually barks thereby reasonably causing the peace of any person of ordinary temper and disposition to be disturbed is declared to be a public nuisance.

**SECTION 205.240: ANIMAL WASTE**

It shall be unlawful for any person owning or in the control of any animal within the Village, to allow or permit such animal to deposit its waste upon any private or public property other than such person's own premises, unless such person shall remove and dispose of such waste within one (1) minute of the deposit.

**ARTICLE IV. ENFORCEMENT**

**SECTION 205.250: CONTRACT FOR ENFORCEMENT**

The Village may contract with the County of St. Louis, Missouri, for the services, facilities or functions required for the enforcement of this Chapter upon the terms and conditions as may be agreed upon by and between the Board of Trustees of the Village and the County of St. Louis, Missouri.

**ARTICLE V. CHICKENS****SECTION 205.260: KEEPING OF CHICKENS—RESTRICTIONS**

- A. Except as otherwise prohibited by this Code, no person shall maintain on his/her private property more than four (4) chickens at any time. Such chickens may be kept for the sole enjoyment and benefit of the property owner and no person shall keep any chickens for any commercial purpose or for the benefit of any other person.
- B. It shall be unlawful for any person to keep any rooster.
- C. It shall be unlawful for the owner of any chicken to permit the same to run at large at any time. All chickens kept shall be confined upon the premises at all times -. Dogs and cats. shall be given immunity from their behavior if they chase or kill a chicken that runs at large or does not remain on the premises at all times.
- D. Every person desiring to keep chickens shall first obtain a permit prior to bringing chickens onto their property, The permit shall verify that the person has met all of the obligations of this Article. This permit shall be renewed annually on or before July 1st. There shall be no charge for this permit. Permits shall be issued by the Building Commissioner. (Vil. Ord. No. 658.11, 12-20-11)

**SECTION 205.270: NUISANCES - WHEN PROHIBITED**

- A. It shall be unlawful for any chicken to give forth any loud or unusual noises, or cause any ill-smelling, nauseous or obnoxious odors.
- B. Chickens shall be kept in a clean and wholesome manner to prevent the spread of odors and disease.
- C. Any person whose chickens are the source of a nuisance or public health hazard shall have their permit revoked. The chickens must be removed immediately upon loss of permit, and the coop and fenced enclosure must be cleaned, disinfected, disassembled, and removed from the property.
- D. Any person who loses their permit due to public hazard or being a source of bacteria shall be prohibited from being issued another permit for a period of two (2) years. (Vil. Ord. No. 658.11, 12-20-11)

**SECTION 205.280: HOUSING REQUIREMENTS**

- A. Housing for chickens kept within the Village shall be attractive and shall not be an eyesore or a detriment to the residence or neighborhood. Housing shall be painted or stained, and kept in excellent condition. The floor of the chicken coop shall be made of a non-porous material that is easy to clean. If the floor is wooden it must be covered with a laminate or other washable material. The chicken coop shall not contain any external electric, gas or-other power source.
- B. All chickens kept within the Village must be kept within a fenced enclosure for the single purpose of protecting said chickens. All fixed and immovable fence enclosures must meet the following minimum standards:
  - 1. Shall be constructed of a commercially available steel frame with welded wire fencing or chicken wire fencing covering all sides and roof of the enclosure. The frame and wire fencing shall be coated.

2. Fence enclosure must be located along the back wall of the residence, not visible from the street, and positioned at least 3 feet from the side of the house and must be attached to the back wall of the residence.
3. The floor of the fenced enclosure, if fixed and immobile, must be elevated at least two (2) inches above surrounding surfaces, and must be high enough so that the enclosure floor is not allow point in the yard. The floor of the fenced enclosure must consist of commercially available-minus gravel or sand.
4. The base area of fenced enclosure shall not exceed 50 square feet, and in no event shall the dimensions of the fence enclosures exceed more than 10 feet 2 inches (10'2") long along the back wall of the residence, more than 5 feet 2 inches (5'2") deep away from the back wall of the residence, and more than 7 feet 2 inches (7'2") tall at the peak.
5. Chain link fencing is expressly prohibited.
6. Everything inside the fenced enclosure must be used exclusively for raising chickens, and nothing else may be stored inside the fenced enclosure.
7. A fenced enclosure shall be removed from the property within thirty (30) days, or a reasonable extended time that is approved by the Building Commissioner, after it is no longer used for housing chickens.
8. The chicken coop must be safely placed inside the fixed and immovable fenced enclosure. The dimensions of the chicken coop must not exceed 60 inches wide x 36 inches deep x 36 inches tall.
9. A mobile, temporary fenced enclosure, commonly referred to as a tractor, can be used to enable chickens to graze outside the fixed fenced enclosure. Chickens may occupy the tractor only between dawn and dusk. h. tractor is prohibited from being used in the side or front yards of a residence. A tractor can be positioned no closer than 5 feet from the property line.
10. The dimensions of the tractor must be as follows: The floor area cannot exceed 28 square feet, and the height of the tractor at its peak cannot exceed 36 inches: The floor must be open, to allow chickens to graze on grass. The sides and roof of the tractor must be covered with screen or wire fencing, and cannot be covered with any solid material.
11. From dusk to dawn, the tractor must be stored against the back wall of the house or in a garage. When stored against the back of the house, the tractor must be at least 3 feet from the side of the house.

The tractor cannot be used as an extension of the fixed and immobile fenced enclosure. There cannot be any direct access between the tractor and the immobile fenced enclosure. There cannot be any direct access between the tractor and the chicken coop. (Vil. Ord. No. 658.11, 12-20-11)

#### **SECTION 205.290: EXCEPTIONS**

Nothing in this Article shall be construed to apply to any uses in any area zoned as "G" Animal Preserve, or "P" Park District. (Vil. Ord. No. 658.11, 12-20-11)

## **CHAPTER 210: OFFENSES**

### **ARTICLE I. OFFENSES AGAINST THE PERSON**

#### **SECTION 210.010: ASSAULT**

A person commits the offense of assault if:

1. He/she attempts to cause or recklessly causes physical injury to another person; or
2. With criminal negligence he/she causes physical injury to another person by means of a deadly weapon; or
3. He/she purposely places another person in apprehension of immediate physical injury; or
4. He/she recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or
5. He/she knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative.

#### **SECTION 210.020: ASSAULT OF A LAW ENFORCEMENT OFFICER**

A person commits the offense of assault of a Law Enforcement Officer if:

1. He/she attempts to cause or recklessly causes physical injury to a Law Enforcement Officer;
2. With criminal negligence he/she causes physical injury to a Law Enforcement Officer by means of a deadly weapon;
3. He/she purposely places a Law Enforcement Officer in apprehension of immediate physical injury;
4. He/she recklessly engages in conduct which creates a grave risk of death or serious physical injury to a Law Enforcement Officer; or
5. He/she knowingly causes or attempts to cause physical contact with a Law Enforcement Officer without the consent of the Law Enforcement Officer.

#### **SECTION 210.030: HARASSMENT**

A person commits the offense of harassment if for the purpose of frightening or disturbing another person, he/she:

1. Communicates in writing or by telephone a threat to commit any felony; or
2. Makes a telephone call or communicates in writing and uses coarse language offensive to one of average sensibility; or

3. Makes a telephone call anonymously; or
4. Makes repeated telephone calls.

**SECTION 210.040: FALSE IMPRISONMENT**

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

**SECTION 210.050: ENDANGERING THE WELFARE OF A CHILD**

- A. A person commits the offense of endangering the welfare of a child if:
1. He/she 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;
  2. He/she knowingly encourages, aids or causes a child less than seventeen (17) years old 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;
  3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years old, he/she 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. He/she 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 195.130, RSMo.
- B. Nothing in this Section shall be construed to mean the welfare of a child is endangered for the sole reason that he/she is being provided non-medical remedial treatment recognized and permitted under the laws of this State.

**ARTICLE II. OFFENSES CONCERNING ADMINISTRATION OF JUSTICE**

**SECTION 210.060: CONCEALING AN OFFENSE**

A person commits the offense of concealing an offense if:

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

**SECTION 210.070: HINDERING PROSECUTION**

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

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 210.080: REFUSAL TO IDENTIFY AS A WITNESS**

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

**SECTION 210.090: DISTURBING A JUDICIAL PROCEEDING**

A person commits the offense of disturbing a judicial proceeding if, with purpose to intimidate a judge, attorney, juror, party or witness, and thereby to influence a judicial proceeding, he/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 210.100: TAMPERING WITH A WITNESS—TAMPERING WITH A VICTIM**

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



1. Threatens or causes harm to any person or property; or
  2. Uses force, threats or deception; or
  3. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or
  4. Conveys any of the foregoing to another in furtherance of a conspiracy.
- B. A person commits the offense of "victim tampering" if, with purpose to do so, he/she 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:
1. Making any report of such victimization to any Peace Officer, or State, local or Federal Law Enforcement Officer or prosecuting agency or to any judge;
  2. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof;
  3. Arresting or causing or seeking the arrest of any person in connection with such victimization.

**SECTION 210.110: 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 210.120: FALSE IMPERSONATION**

A person commits the offense of false impersonation if he:

1. Falsely represents himself/herself to be a public servant with 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; or
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.

**SECTION 210.130: FALSE REPORTS**

- A. A person commits the offense of making a false report if he/she knowingly:
1. Gives false information to a Law Enforcement Officer for the purpose of implicating another person in a crime or offense; or
  2. Makes a false report to a Law Enforcement Officer that a crime or 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.
- B. It is a defense to a prosecution under Subsection (A) of this Section that the actor retracted the false statement or report before the Law Enforcement Officer or any other person took substantial action in reliance thereon.
- C. The defendant shall have the burden of injecting the issue of retraction under Subsection (B) of this Section.

**SECTION 210.140: RESISTING OR INTERFERING WITH ARREST**

- A. A person commits the offense of resisting or interfering with arrest if, knowing that a Law Enforcement Officer is making an arrest, for the purpose of preventing the Officer from effecting the arrest, he/she:
1. Resists the arrest of himself/herself by fleeing from such Officer; or
  2. Interferes with the arrest of another person by using or threatening the use of violence, physical force or physical interference.
- B. This Section applies to arrests with or without warrants and to arrests for any crime, offense or ordinance violation.
- C. It is no defense to a prosecution under Subsection (A) of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest.

**SECTION 210.150: ESCAPE OR ATTEMPTED ESCAPE FROM CUSTODY**

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

**SECTION 210.160: INTERFERENCE WITH CUSTODY**

A person commits the offense of interference with custody if, knowing that he/she has no legal right to do so, he/she takes or entices from lawful custody any person entrusted by order of a court to the custody of another person or institution.

**ARTICLE III. OFFENSES CONCERNING PUBLIC SAFETY****SECTION 210.170: ABANDONMENT OF AIRTIGHT OR SEMI-AIRTIGHT CONTAINERS**

- A. A person commits the offense of abandonment of airtight icebox if he/she abandons, discards, or knowingly permits to remain on premises under his/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 (1½) 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, warehouseman or repairman.
- C. The defendant shall have the burden of injecting the issue under Subsection (B) of this Section.

**SECTION 210.180: LITTERING**

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 Village 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.

**SECTION 210.190: LITTERING VIA CARCASSES**

- A. If any person or persons shall put any dead animal, carcass or part thereof, the offal or any other filth into any well, spring, brook, branch, creek, pond, or lake, every person so offending shall, on conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).
- B. If any person shall remove, or cause to be removed and placed in or near any public road or highway, or upon premises not his/her own, or in any river, stream or watercourse any dead animal, carcass or part thereof, or other nuisance, to the annoyance of the citizens of this Village, or any of them, every person so offending shall, upon conviction thereof, be fined for every offense not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), and if such nuisance be not removed within three (3) days thereafter, it shall be deemed a second (2nd) offense against the provisions of this Section.

**SECTION 210.200: CORRUPTING OR DIVERTING WATER SUPPLY**

Whoever willfully or maliciously poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir used for domestic or municipal purposes, or whoever willfully or maliciously 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 Village for their use, shall be adjudged guilty of a misdemeanor, and punished by a fine not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00), or by imprisonment in the Village or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment, and shall be liable to the party injured for three (3) times the actual damage sustained, to be recovered by suit at law.

**SECTION 210.210: ABANDONING MOTOR VEHICLE**

A person commits the offense of abandoning a motor vehicle if he/she abandons any motor vehicle on the right-of-way of any public road or State highway or on or in any of the waters in this State or on the banks of any stream, or on any land or water owned, operated or leased by the State, any Board, Department, Agency or Commission thereof, or any political subdivision 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.

**SECTION 210.220: LOITERING**

C. *Definitions.* As used in this Section, the following terms shall have the meanings set out herein:

*LOITERING:* Remaining idle in essentially one (1) location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around and shall also include the colloquial expression "*hanging around*".

*PUBLIC PLACE:* Any place to which the general public has access and a right to 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.

D. *Loitering—Police Order To Disperse—Penalty.*

1. It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a public place in such manner so as to:
  - a. 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.
  - b. 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.

2. When any person causes or commits any of the conditions enumerated in Subdivision (1) herein, 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.
- E. *Exemptions.* This Section shall not be construed to suppress the right to lawful assembly, picketing, public speaking, or other lawful means of expressing public opinion not in contravention of other laws.

#### **ARTICLE IV. OFFENSES CONCERNING PUBLIC PEACE**

##### **SECTION 210.230: PEACE DISTURBANCE**

A person commits the offense of peace disturbance if:

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

##### **SECTION 210.240: PRIVATE PEACE DISTURBANCE**

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

1. Threatening to commit a crime or offense against any person; or
2. Fighting.

**SECTION 210.250: PEACE DISTURBANCE DEFINITIONS**

For the purposes of Sections 210.230 and 210.240 the following words shall have the meanings set out herein:

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

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

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

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

**SECTION 210.260: WEAPONS—UNLAWFUL USE—CONCEAL CARRY / A GENERAL ADVISORY**

In lieu of a comprehensive and detailed concealed weapons ordinance that merely recites Missouri statutes, which is itself lengthy and laden with exceptions and definitions, the following summary is provided as an *overview* of new Missouri law (R.S.Mo §§ 571.010-571.150) so that Village citizens wishing to ascertain their rights (generally) to carry concealed weapons within the Village geographic limits may do so. What follows is a summary only, and is not intended to serve as a detailed ordinance. To see what Missouri law allows, please refer to the Revised Statutes of Missouri at §§ 571.010-571.150. Nothing herein after is intended to limit or in any way be deemed to encroach upon the rights of citizens, under Missouri law, from carrying concealed weapons within the legal parameters of Missouri law. Anything hereafter, which is inconsistent with such rights, shall be deemed null and void. The penalties and specific laws of Missouri are applied and shall be enforced by the Town of Grantwood Village.

A person commits the offense of unlawful use of weapons if he or she knowingly—

discharges or *carries* a firearm or certain other weapons capable of lethal use, unless one of the following exceptions apply:

- the person is a peace officer, or
- authorized prison personnel, or a
- member of armed forces or national guard, or
- any person whose bona fide duty is to execute process, whether criminal or civil, or
- state or federal probation or parole officers, or
- any corporate security advisor meeting the requirements of the board of police commissioner regulations under §83.340, R.S.Mo., or
- any coroner, deputy coroner, medical examiner, or assistant medical examiner, or
- where weapons are being transported in a nonfunctioning state, or

- a person engaged in sanctioned ROTC or school sanctioned gun safety courses, provided the weapon isn't carried into the school or other prohibited areas
- any person who holds a valid concealed carry endorsement issued pursuant to §§ 571.101 to 571.121, R.S.Mo., or
- a valid permit or endorsement to carry concealed firearms issued by another state to political subdivision of another state
- a person is lawfully defending him or herself, pursuant to §563.013, R.S.Mo.
- or any other authorized person under Missouri or Federal statutes

A person may not even carry a firearm or other lethal weapon into the following locations:

- church or place of worship
- an election polling place
- any public building owned or occupied by a government entity or subdivision
- into a school (public or private), school bus, or other premises sponsored by a school or district school board
- any establishment licensed to dispense intoxicating spirits of any kind
- any amusement park or national park or state park
- any location otherwise prohibited by federal law

A person may not discharge a firearm or other lethal weapon, or even exhibit the same:

- in the presence of one or more persons in an angry or threatening manner, or
- while intoxicated
- at or from a motor vehicle
- within one hundred yards of a schoolhouse, courthouse, or church building
- at any building or habitable structure, unless acting in lawful self-defense

Persons in the following categories may not possess a concealable firearm if:

- he or she has pled guilty to or has been convicted of a dangerous felony or an attempt to commit a dangerous felony (§556.061 R.S.Mo.), or a crime within a 5-year period immediately preceding the date of such possession, or
- he or she is a fugitive from justice, or
- is in a habitually drugged or intoxicated condition

Any person violating any of the provisions of this Section shall be punished as follows:

(1) If the violator holds a current valid concealed carry 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 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*. If a *third citation for a similar violation is issued within one year of the first citation such person shall be fined an amount not to exceed five hundred dollars*. Upon conviction of charges arising from a citation issued pursuant to this Section, the court shall notify the sheriff fo the county that issued the certificate of qualification for a concealed carry endorsement and the department of revenue.

(2) If the violator does not hold a current valid concealed carry endorsement issued pursuant to state law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in Section 1-12 of the Village Code.

It shall be a violation of this Section, punishable by a citation for *an amount not to exceed thirty-five dollars*, for any person issued a concealed carry endorsement pursuant to state law to fail to carry the concealed carry endorsement at all times the person is carrying a concealed firearm, or to fail to display the concealed carry endorsement upon the request of any peace officer. (Vil. Ord. No. 608.07, 6-19-07)



**SECTION 210.270: DISCHARGING AIR GUN, ETC.**

Any person within the limits of this Village, who shall discharge any BB gun, spring gun or air gun, or shall shoot any pebble, bullet, slug or other hard substance by means of a sling, crossbow, rubber band or bow or any other means shall be deemed guilty of a misdemeanor.

**SECTION 210.280: 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 210.290: 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 210.300: 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 210.310: DISORDERLY CONDUCT**

- A. For the purposes of this Section the following terms shall be deemed to have the meanings indicated below:

*INCITE A RIOT*: Shall mean, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written:

1. Advocacy of ideas, or
2. Expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts.

*PUBLIC PLACE:* Any place to which the general public has access and a right to 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, area or parks.

*RIOT:* A public disturbance involving:

1. An act or acts of violence by one (1) or more persons part of an assemblage of three (3) or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual; or
  2. A threat or threats of the commission of an act or acts of violence by one (1) or more persons part of an assemblage of three (3) or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.
- B. *Disorderly Conduct Prohibited.* A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance, or if his/her conduct is likely to cause public danger, alarm, disorder or nuisance, he/she wilfully does any of the following acts in a public place:
1. Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his/her life, injury to his/her limb or health;
  2. Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
  3. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;
  4. Interferes with another's pursuit of a lawful occupation by acts of violence;
  5. Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by the Village Police or other lawful authority known to be such;
  6. Is in a public place under the influence of an intoxicating liquor or drug in such condition as to be unable to exercise care for his/her own safety or the safety of others;
  7. Resists or obstructs the performance of duties by Village Police or any other authorized official of the Village, when known to be such an official;
  8. Incites, attempts to incite, or is involved in attempting to incite a riot;
  9. Addresses abusive language or threats to any member of the Police Department, any other authorized official of the Village who is engaged in lawful performance of his/her duties, or any other person when such words have a tendency to cause acts of violence. Words merely causing displeasure, annoyance or resentment are not prohibited;

10. Damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition;
  11. Makes or causes to be made by loud, boisterous and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road, street, lane, alley, park, square or common, whereby the public peace is broken or disturbed, or the traveling public annoyed;
  12. Fails to obey a lawful order to disperse by a Police Officer when known to be such an official, where one (1) or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened;
  13. Uses abusive or obscene language or makes an obscene gesture.
- C. *Exemptions.* This Section shall not be construed to suppress the right to lawful assembly, picketing, public speaking, or other lawful means of expressing public opinion not in contravention of other laws.

**ARTICLE V. OFFENSES CONCERNING PROPERTY**

**SECTION 210.320: TAMPERING**

- A. A person commits the offense of tampering if he/she:
1. Tampers with property of another for the purpose of causing substantial inconvenience to that person or to another; or
  2. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or
  3. Tampers or makes connection with property of a utility; or
  4. Tampers with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:
    - a. To prevent the proper measuring of electric, gas, steam or water service; or
    - b. To permit the diversion of any electric, gas, steam or water service.
- B. In any prosecution under Subparagraph (4) of Subsection (A), proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service, with one or more of the effects described in Subparagraph (4) of Subsection (A), shall be sufficient to support an inference which the trial court may submit to the trier of fact, from which the trier of fact may conclude that there has been a violation of such subdivision by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.

**SECTION 210.330: PROPERTY DAMAGE**

A person commits the offense of property damage if:

1. He/she knowingly damages property of another; or
2. He/she damages property for the purpose of defrauding an insurer.

**SECTION 210.340: 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.

**SECTION 210.350: 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 210.360: TRESPASS IN THE SECOND DEGREE**

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

**SECTION 210.370: RECKLESS BURNING OR EXPLODING**

A person commits the offense of reckless burning or exploding when he/she knowingly starts a fire or causes an explosion and thereby recklessly damages or destroys a building or an inhabitable structure of another.

**SECTION 210.380: NEGLIGENT BURNING OR EXPLODING**

A person commits the offense of negligent burning or exploding when he/she with criminal negligence causes damage to property of another by fire or explosion.

**SECTION 210.385: OPEN BURNING**

- A. Purpose: To make clear that in the absence of state statute, and in the absence of adoption of the Code of State Regulations by St. Louis County ordinance, burning within the Village limits shall be either prohibited or restricted as to type of burning. As of the adoption of this ordinance, the only authoritative guidance for rules and regulations on the subject of the open burning of yard waste and other types of fires and materials is found at 10 CSR10-6.045 Department of Natural Resources.
- B. Rules:
1. Open Burning of yard waste (for the purpose of eliminating yard waste) is prohibited within the Village limits for any reason.
  2. Burning of household or domestic refuse, untreated or treated wood, or any other material, and burning for the purpose of clearing vegetative debris, or for agricultural purposes is prohibited within the Village limits.
  3. The following types of burning are permitted within the Village limits:
    - a. Recreational and ceremonial fires. These fires may only be comprised of vegetative woody materials or untreated wood products;
    - b. Non-commercial preparation of food, such as barbecuing;
  4. Where burning is permitted for the foregoing reasons, doing so in any Village street or common ground is prohibited.
- C. Enforcement Procedure, generally:

Whenever suspect burning is observed within the Village limits by any person, that person shall contact the police department, who will be dispatched to the location of burning so that a determination of the type of burning may be made.

If, in the opinion of law enforcement officer at the scene, the type of burning occurring is not permitted by this ordinance, the resident shall be requested to properly extinguish the fire.

If the resident refuses to extinguish the fire, law enforcement shall write a police report to establish a record, and proceed to call St. Louis County's Air Pollution control department at (314) 615-8924 to lodge a complaint. If not during office hours, the law enforcement officer shall leave a message identifying himself, and leaving appropriate contact information.

Violators may be prosecuted in state courts by, ultimately, the Missouri Attorney General's Office. (Vil. Ord. No. 632.08, 11-18-08)

**SECTION 210.390: STEALING**

- A. A person commits the offense of stealing if he/she appropriates property or services of another with the purpose to deprive him/her thereof, either without his/her consent or by means of deceit or coercion.
- B. Evidence of the following is admissible in any prosecution under this Section on the issue of the requisite knowledge or belief of the alleged stealer that:
  - 1. He/she failed or refused to pay for property or services of a hotel, restaurant, inn or boarding house;
  - 2. He/she gave in payment for property or services of a hotel, restaurant, inn or boarding house a check or negotiable paper on which payment was refused;
  - 3. He/she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;
  - 4. He/she surreptitiously removed or attempted to remove his/her baggage from a hotel, inn or boardinghouse.

**SECTION 210.400: RECEIVING STOLEN PROPERTY**

- A. A person commits the offense of receiving stolen property if for the purpose of depriving the owner of a lawful interest therein, he/she receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.
- B. Evidence of the following is admissible in any criminal prosecution under this Section to prove the requisite knowledge or belief of the alleged receiver that:
  - 1. He/she was found in possession or control of other property stolen on separate occasions from two or more persons;
  - 2. He/she received other stolen property in another transaction within the year preceding the transaction charged;
  - 3. He/she acquired the stolen property for a consideration which he/she knew was far below its reasonable value.

**SECTION 210.410: FRAUDULENT USE OF A CREDIT DEVICE**

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

- 1. The device is stolen, fictitious or forged; or

2. The device has been revoked or canceled; or
3. For any other reason his/her use of the device is unauthorized.

**SECTION 210.420: ALTERATION OR REMOVAL OF ITEM NUMBERS WITH INTENT TO DEPRIVE LAWFUL OWNER**

A person commits the offense of alteration or removal of item numbers if he, 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 210.430: FAILURE TO RETURN RENTED PERSONAL PROPERTY—ENFORCEMENT PROCEDURE—PENALTY—VENUE**

- A. A person commits the offense of failing to return leased or rented property if, with the intent to deprive the owner thereof, he/she purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property. In addition, any person who has leased or rented personal property of another who conceals the property from the owner, or who otherwise sells, pawns, loans, abandons or gives away the leased or rented property is guilty of the offense of failing to return leased or rented property. The provisions of this Section shall apply to all forms of leasing and rental agreements, including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this Section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.
- B. It shall be prima facie evidence of the offense of failing to return leased or rented property when a person who has leased or rented personal property of another willfully fails to return or make arrangements acceptable with the lessor to return the personal property to its owner at the owner's place of business within ten (10) days after proper notice following the expiration of the lease or rental agreement, except that if the motor vehicle has not been returned within seventy-two (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 failing to return leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (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 ten (10) 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.

- C. This Section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable, if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement, or within ten days after proper notice.
- D. Proper notice by the lessor shall consist of a written demand addressed and mailed by certified or registered mail to the lessee at the address given at the time of making the lease or rental agreement. The notice shall contain a statement that the failure to return the property may subject the lessee to criminal prosecution.
- 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 shall be guilty of property damage pursuant to Section 210.330 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 210.440: PASSING BAD CHECKS**

- A. A person commits the offense of passing a bad check when:
  1. With purpose to defraud, he/she makes, issues or passes a check or other similar sight order for the payment of money, knowing that it will not be paid by the drawee; or
  2. He/she makes, issues, or passes a check or other similar sight order for the payment of money, knowing that there are insufficient funds in his/her account and fails to pay the check or sight order 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.
- B. As used in Subparagraph (2) of Subsection (A) of this Section, "*actual notice in writing*" means notice of the nonpayment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten (10) day period during which the instrument may be paid and that payment of the instrument within such ten (10) 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.



- C. The face amounts of any bad checks passed pursuant to one course of conduct within any ten (10) day period may be aggregated in determining the grade of the offense.

**ARTICLE VI. OFFENSES CONCERNING PROSTITUTION AND MORALS**

**SECTION 210.450: ARTICLE DEFINITIONS**

As used in this Article, the following terms mean:

*PATRONIZING PROSTITUTION:* A person patronizes prostitution if

- 1. Pursuant to a prior understanding, he/she gives something of value to another person as compensation for that person or a third (3rd) person having engaged in sexual conduct with him/her or with another; or
- 2. He/she gives or agrees to give something of value to another person on an understanding that in return therefor that person or a third (3rd) person will engage in sexual conduct with him/her or with another; or
- 3. He/she solicits or requests another person to engage in sexual conduct with him/her or with another, or to secure a third (3rd) person to engage in sexual conduct with him/her or with another, in return for something of value;

*PROSTITUTION:* A person commits prostitution if he/she engages or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by the person or by a third (3rd) person;

*SEXUAL CONDUCT:* Occurs when there is:

- 1. *Sexual intercourse.* Any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results; or
- 2. *Deviate sexual intercourse.* Any sexual act involving the genitals of one (1) person and the mouth, hand, tongue or anus of another person; or
- 3. *Sexual contact.* Any touching, manual or otherwise, of the anus or genitals of one (1) person by another, done for the purpose of arousing or gratifying sexual desire of either party;

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

**SECTION 210.460: PROSTITUTION**

A person commits the offense of prostitution if he/she performs an act of prostitution.

**SECTION 210.470: PATRONIZING PROSTITUTION**

A person commits the offense of patronizing prostitution if he/she patronizes prostitution.

**SECTION 210.480: PROSTITUTION AND PATRONIZING PROSTITUTION—SEX OF PARTIES NO DEFENSE, WHEN**

In any prosecution for prostitution or patronizing a prostitute, the sex of the two (2) parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:

1. Both persons were of the same sex; or
2. The person who received, agreed to receive or solicited something of value was a male and the person who gave or agreed or offered to give something of value was a female.

**SECTION 210.490: PROSTITUTION HOUSES DEEMED PUBLIC NUISANCES**

- A. Any room, building or other structure regularly used for sexual contact for pay as defined in Section 210.450 or any unlawful prostitution activity prohibited by this Article is a public nuisance.
- B. The Village Prosecuting Attorney may, in addition to all other sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for sexual contact for pay or unlawful prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one (1) year.
- C. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any sexual contact for pay or unlawful prostitution activity anywhere within the jurisdiction of the court.
- D. Appeals shall be allowed from the judgment of the court as in other civil actions.

**SECTION 210.500: INDECENT EXPOSURE (SEXUAL MISCONDUCT)**

A person commits the offense of indecent exposure (sexual misconduct) if he/she knowingly exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm.

**ARTICLE VII. OFFENSES CONCERNING PORNOGRAPHY****SECTION 210.510: 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 statue or other figure, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or anything which is or may be used as a means of communication. "*Material*" includes undeveloped photographs, molds, printing plates and other latent representational objects.

*MINOR*: Any person under the age of eighteen (18).

*NUDITY*: The showing of post-pubertal human genitals or pubic area, with less than a fully opaque covering.

*OBSCENE*: Any material or performance is obscene if:

1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and
2. Taken as a whole with the average person, applying contemporary community standards, it depicts or describes sexual conduct in a patently offensive way; and
3. Taken as a whole, it lacks serious literary, artistic, political or scientific value.

*PERFORMANCE*: Any play, motion picture film, videotape, dance or exhibition performed before an audience of one or more.

*PORNOGRAPHIC FOR MINORS*: Any material or performance is pornographic for minors 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, sexual excitement, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and
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.

*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 210.520: PROMOTING PORNOGRAPHY**

A person commits the offense of promoting pornography for minors or obscenity if, knowing its content or character, he/she:

1. Promotes or possesses with the purpose to promote any obscene materials for pecuniary gain; or
2. Produces, presents, directs or participates in any obscene performance for pecuniary gain; or
3. Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain; or
4. Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain.

**SECTION 210.530: FURNISHING PORNOGRAPHIC MATERIALS TO MINORS**

A person commits the offense of furnishing pornographic material to minors if, knowing 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.
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.

**ARTICLE VIII. OFFENSES CONCERNING ALCOHOL AND DRUGS****SECTION 210.540: POSSESSION OF MARIJUANA**

A. *Definition.* The following word shall have the meaning set out herein when used in this Section:

*MARIJUANA:* All parts of the plant genus Cannabis in any species or form thereof, including, but not limited to Cannabis Sativa L., Cannabis Indica, Cannabis Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

- B. Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control thirty-five (35) grams or less of marijuana as defined in Subsection (A) hereof.

**SECTION 210.550: POSSESSION OR CONTROL OF A CONTROLLED SUBSTANCE**

Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control a controlled substance as defined by Section 195.010, RSMo.

**SECTION 210.560: USE OF INTOXICATING SUBSTANCE IN PUBLIC PLACE**

A person commits the offense of public use of an intoxicating substance when he/she shall drink or otherwise consume any alcoholic beverage, intoxicating liquor; or use any controlled substance or narcotic drug in any street, public park or other public place.

**SECTION 210.570: UNLAWFUL USE OF DRUG PARAPHERNALIA**

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia as defined by Section 195.010, RSMo., to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance as defined by Section 195.010, RSMo., or an imitation controlled substance as defined by Section 195.010, RSMo.

**SECTION 210.580: 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, 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 210.590: INDUCING, OR POSSESSION WITH INTENT TO INDUCE, SYMPTOMS BY USE OF SOLVENTS, PROHIBITED**

- C. 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 of any solvent, particularly toluol.
- D. No person shall intentionally possess any solvent, particularly toluol, for the purpose of using it in the manner prohibited by Section 210.580 and this Section.

**SECTION 210.600: POSSESSION OR PURCHASE OF SOLVENTS TO AID OTHERS IN VIOLATIONS, PROHIBITED–VIOLATIONS OF SECTIONS 210.580 TO 210.600–PENALTY**

- A. No person shall intentionally possess or buy any solvent, particularly toluol, for the purpose of inducing or aiding any other person to violate the provisions of Sections 210.580 and 210.590 hereof.
- B. Any person who violates any provision of Sections 210.580–210.600 is guilty of a misdemeanor.

**ARTICLE IX. OFFENSES CONCERNING MINORS**

**SECTION 210.610: DEFINITIONS**

For the purposes of this Article, the following words and phrases are defined as follows:

*CRIMINAL ACT:* An act which violates the Statutes of the United States, the Statutes of the State of Missouri, or the ordinances of the Town of Grantwood Village, including curfew and moving traffic violations.

*MINOR:* Any person under the age of seventeen (17).

*PARENT:* The mother, father, legal guardian, or any person having the care or custody of a minor.

*PARENTAL NEGLECT:* Any act or omission by which a parent fails 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.

**SECTION 210.620: CURFEW FOR PERSONS UNDER SEVENTEEN**

- A. It shall be unlawful for any person seventeen (17) years of age or younger to be in or upon any public place or way within the Town of Grantwood Village between the hours of 12:01 A.M. and 6:00 A.M. The provisions of this Section shall not apply to any such persons accompanied by a parent or guardian, to any such person upon an errand or other legitimate business directed by such person's parent or guardian, to any such person who is engaged in gainful, lawful employment during said time period, or who is returning or in route to said employment, or to any such person who is attending or in route to or from any organized religious or school activity.
- B. *Responsibility Of Parent.* The parent, guardian or other adult person having the care and custody of a person under the age of seventeen (17) years shall not knowingly permit such person to violate this Section.
- C. *Notice To Parent.* Any Police Officer finding any person under the age of seventeen (17) years violating the provisions of this Section shall warn such person to desist immediately from such violation and shall promptly report the violation to his/her superior Officer, who shall cause a written notice to be served upon the parent, guardian or person in charge of such person, setting forth the manner in which this Section has been violated. Any parent, guardian or person in charge of such person who shall knowingly permit such person to violate the provisions of this Section, after receiving notice of the first violation, shall be guilty of an offense.

- D. *Service Of Notice.* The written notice provided in Subsection (D) may be served by leaving a copy thereof at the residence of such parent, guardian or person in charge of the person in violation of this Section, with any person found at such residence over the age of seventeen (17) years, or by mailing such notice to the last-known address of such parent, guardian or person in charge of such person, wherever such person may be found.

**SECTION 210.630: PARENTAL RESPONSIBILITY**

- A. Whenever a minor shall be arrested or detained for the commission of any criminal act within the Town of Grantwood Village, 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 (C) 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 offense. 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).

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## CHAPTER 215: NUISANCES

### 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 or animal preserve of manure for agricultural purposes.
  6. Privy vaults or garbage cans which are not fly-tight, that is, privy vaults or 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 Town of Grantwood Village.
  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 Village not zoned as an animal preserve except pet cats, dogs, and chickens, animals in public or licensed zoos, and farm animals in laboratories. (Vil. Ord. No. 658.11, 12-20-11)

14. Unlicensed dumps, and licensed dumps not operated or maintained in compliance with the ordinances of the Town of Grantwood Village and the Statutes of the State of Missouri.
  15. No person shall discharge or cause to be discharged into a storm water 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 Town of Grantwood Village.
- B. *Unlawful To Cause, Maintain Within Village 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 Town of Grantwood Village, or within one-half (½) mile of the corporate limits of the Town of Grantwood Village, 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 Chairman or his/her designate shall have the authority to order the Police Commissioner or Health Officer or other Village Official to immediately abate the nuisance in an appropriate manner. (Vil. Ord. No. 651-11, 1-18-11)
- D. *Abatement—Procedure Generally.* Whenever the Board of Trustees 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 Police Commissioner 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 Village. 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 Village, 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 Trustees may determine that a nuisance exists, it may direct the Health Officer or Police Commissioner, or other Village 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 Village 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 Village 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 Village 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. (Vil. Ord. No. 651-11, 1-18-11)

**SECTION 215.020: 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 215.030: DAMAGED AND DISABLED VEHICLES**

A. *Definitions.* As used in this Section the following words shall have the meanings set out below:

*DAMAGED OR DISABLED VEHICLE:* Any vehicle which is not registered or is improperly registered with the State of Missouri; has been inoperable on public or private property for more than forty-eight (48) hours or is in such a state of repair as to be inoperable, except those on the premises of a duly licensed automobile repair or sales business; or in a duly licensed automobile junking yard.

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

*PERSON:* Any person, firm, partnership, co-partnership, corporation, or other organization of any kind.

*PROPERTY:* Any land owned by the Village or located within the Village Limits, not including streets and highways.

*STREET OR HIGHWAY:* The entire area between the boundary lines of every publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular travel.

*VEHICLES:* Any machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides including but not limited to automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons, or any part thereof.

- B. *Damaged Or Disabled Vehicle.* Any person who allows any damaged or disabled vehicle, part thereof, or junk, to be located on any property, street, or highway which presents a hazard to children, or harbors tall grass, weeds, or other vegetation, or creates a fire hazard or affords a breeding place or nesting place for mosquitoes, flies, rodents, rats, or other vermin; or any vehicle, part thereof, or junk, allowed to remain unmoved on any street or highway for forty-eight (48) hours shall be deemed guilty of a misdemeanor. Each day of violation shall be deemed a separate offense.
- C. *Complaints, How Made.* Any complaint by any person, including Police Officers, shall be made to the Board of Trustees or their appointed representative. The Board of Trustees or their appointed representative shall then review the complaint and any evidence produced in support thereof. If the Board of Trustees or their appointed representative determines that there is a nuisance within the meaning of this Section, they or their appointed representative shall begin proceedings against the person or persons creating or maintaining such nuisance as provided in this Section.
- D. *Notice.* Whenever the Board of Trustees determines that any vehicle or junk is a nuisance as defined herein, the Village Chairman or other designated official shall cause written notice to be served upon the owner of the vehicle or junk, by registered mail or by personal service. The notice shall state that the vehicle or junk is deemed to be a nuisance within the provisions of Subsection (B) hereof, and shall briefly state facts deemed to constitute such vehicle or junk a nuisance within the terms of this Section, and state that the nuisance shall be abated within seven (7) days from receipt of such notice.
- E. *Hearing.* Whenever the owner or custodian of any nuisance as defined in Subsection (B) has been served with written notice as provided in Subsection (D) of this Section, the owner or custodian of said nuisance shall be given an opportunity to appear before the Board of Trustees to be allowed a hearing on the existence of said nuisance. The right to a hearing shall be contained in the notice as provided in Subsection (D) of this Section. As stated in Subsection (D) the violator shall have seven (7) days to abate the nuisance or to appear before the Village Chairman or other designated official. Should the violator fail to comply, the Village Chairman or designated official shall service the case to the Municipal Judge for prosecution at which time a summons will be served to the violator.
- F. *Proceedings When Owner Or Custodian Cannot Be Located.* When the owner or custodian of any nuisance as defined in Subsection (B) cannot be located by a reasonable search, the notice shall be attached to the property, briefly stating facts deemed to constitute the property a nuisance and stating that the nuisance shall be abated within seven (7) days of the date notice was posted, or if the vehicle is on public property, within two (2) days of the date notice was posted.
- G. *Duty Of The Owner Or Custodian.* Any person receiving the notice provided for above shall comply with the provisions of the notice requiring abatement. Failure to comply with this provision is unlawful.
- H. *Disposition.* If not removed within the times specified in the notice, the vehicle or junk shall be transported to a storage area by or at the direction of the Village Chairman or his/her duly authorized representative at the expense of the owner or person in custody thereof. It shall then be stored for a period of at least ninety (90) days, and the person entitled to possession thereof may redeem the property by payment to the Village of the actual cost of its removal and a reasonable storage fee. If the vehicle or junk is unredeemed after the expiration of the ninety (90) day period, the Village Chairman may sell it to the highest bidder or, if it has no sale value, may otherwise dispose of it. Any money received from disposal of any vehicle or junk shall be applied to the expenses charged to the owner or person in charge thereof.
- I. *Notice Of Sale.* Prior to the sale of any such property, Village Chairman shall cause to be posted in Village Hall, place of storage and at least one (1) other public place in the Village, a notice of sale stating:

1. That the Village is selling abandoned property;
  2. The color, make, year, motor number and serial number, if available, and any other information necessary for an accurate identification of the property;
  3. The terms of the sale; and
  4. The date, time and place of the sale. This notice shall be published not less than ten (10) or more than thirty (30) days prior to the date of the sale.
- J. *Entry Onto Private Property.* The Village Police Department or any duly authorized representative of the Village may enter upon private property for inspection or for the purpose of removing any vehicle or junk in accordance with this Section. If any person refuses to allow entry onto his/her private property, the Police Officer may obtain a warrant from the proper official and proceed in accordance therewith.

(Vil. Ord. No. 651-11, 1-18-11)

#### **SECTION 215.040: WEEDS AND LEAVES**

- A. *Failure to Keep Weeds, High Grass, and Brush Cut and Removed, and Exorbitant Covering of Leaves Removed, A Nuisance.* All persons owning or occupying any lot or tract of land in the Village shall keep the weeds, high grass, and brush growing on such property cut and removed, and an exorbitant covering of leaves on the property removed. Whenever such weeds, high grass or brush shall attain the height of twelve (12) inches, or when such leaves cover large areas of such property, excluding buildings or structures, it shall be deemed a public nuisance. (Ord. No. 602-07, 1-16-07)
- B. *Unlawful To Maintain Such Nuisance.* It shall be unlawful for any person to create or maintain a nuisance as defined in Subsection (A).
- C. *Liability.* Whenever weeds, in violation of Subsection (A) of this Section, are allowed to grow on any part of any lot or ground within the Village, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable.
- D. *Notice.* The Chairman shall give notice of a nuisance to the persons owning or occupying any offending lot or tract of land personally or by United States mail to the property owner or owners or his/her agents, or the occupants of the property, or by posting such notice on the premises. (Ord. No. 484-97, 9-16-97)
- E. *Disposition.* If the weeds, grass or other nuisance are not cut down, removed or remedied within seven (7) days of receipt of notice of the nuisance, the Chairman shall have the weeds, grass or other nuisance cut down or otherwise removed or abated, and shall certify the cost to the Village Clerk. (Ord. No. 484-97, 9-16-97)
- F. *Tax Bill.* The Village Clerk shall cause a special tax bill therefor against the property to be prepared and to be collected by the St. Louis County Collector, with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the Village Clerk and delivered to the St. Louis County Collector on or before the first (1st) day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent (8%) per annum.

**SECTION 215.050: WEEDS BETWEEN SIDEWALK AND CURB OR STREET**

As required by Section 215.040 of this Chapter, it is the duty of each owner, lessee or occupant to remove weeds between the sidewalk or property line of his/her land and any street.

**SECTION 215.060: DISTRIBUTION OF HANDBILLS**

- A. In order to promote the health, peace and safety of the inhabitants of the Village and to protect said inhabitants against an intolerable annoyance and nuisance, the distribution, delivering, scattering or passing out of handbills, printed advertisements, programs, announcements, pamphlets, periodicals, booklets and printed matter or papers of every kind and description from house to house, or from person to person, within the corporate limits of the Village, free of cost to the persons receiving or intended to receive them, without having prior permission from such persons, is hereby declared to be unlawful.
- B. Every person, firm, association or corporation, or the agent or representative of any of them, who shall distribute or cause to be distributed, deliver or cause to be delivered, scatter or cause to be scattered, pass out or cause to be passed out, any handbills, printed advertisements, programs, announcements, pamphlets, periodicals, booklets, or printed matter, or papers of every other kind and description from house to house, or from person to person, within the corporate limits of the Village, free of cost to the persons receiving or intended to receive them, shall be deemed guilty of a misdemeanor. (Vil. Ord. No. 566-03, 7-15-03)

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## **CHAPTER 220: LITTER**

### **SECTION 220.010: LITTER IN PUBLIC PLACES**

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Town of Grantwood Village except in public receptacles or authorized private receptacles.

### **SECTION 220.020: MANNER OF DEPOSITING LITTER**

Persons placing litter in public receptacles or in authorized private receptacles shall do so in a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

### **SECTION 220.030: SWEEPING LITTER INTO PUBLIC PLACES**

- A. No person shall sweep into or deposit in any gutter, street or other public place within the Village the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.
- B. Within the meaning of this Section the word "*litter*" shall include, without excluding other substances, fallen leaves, cut weeds, grass clippings, branches and twigs that may accumulate on any building, lot or premises.

### **SECTION 220.040: BURNING LITTER, LEAVES, ETC., PROHIBITED**

No person shall burn any litter as defined in Section 220.030(B), in any street, gutter, or other public place within the Village.

### **SECTION 220.050: SIDEWALKS TO BE FREE OF LITTER**

Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. Persons owning or occupying places of business within the Village shall keep the front of their business premises free of litter.

### **SECTION 220.060: LITTERING BY PERSONS IN VEHICLES**

- A. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Village, or upon private property.
- B. No driver of any vehicle shall allow any passenger in that vehicle to throw or deposit litter upon any street or other public place within the Village, or upon private property.



**SECTION 220.070: TRANSPORTATION OF LITTER**

No person shall drive or move any truck or other vehicle hauling or transporting litter within or about the Village, unless such vehicle is so constructed and the load secured so as to prevent any of the contents therein being blown, dropped or deposited upon any street, alley or other public place.

**SECTION 220.080: LITTERING ON ANY PRIVATE PREMISES**

No person shall throw or deposit litter on any private property within the Village, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property owned by another.

**SECTION 220.090: LITTERING ON PUBLIC PROPERTY**

No person or persons shall throw or place, or cause 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 streets, alleyways or any public property within the Town of Grantwood Village, Missouri, with the exception, that by public notice such items may be placed in containers on specified days for public cleanup.

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## **CHAPTER 225: STREETS AND SIDEWALKS**

### **SECTION 225.010: OBSTRUCTION ON STREETS, WHEN UNLAWFUL, PENALTY**

It shall be unlawful for any person to deposit or permit to remain on any highway, street, alley, sidewalk, parkway, tree lawn or public place except by street use permit, as herein provided, any building material or equipment, rubbish, coal, debris, dirt, materials of any kind, chattels or property which might obstruct the free use thereof or hinder traffic of persons or vehicles, provided that, if through necessity, an obstruction of the nature described is placed thereon, the person responsible shall be relieved of the penalties of this Section if he/she removes the same without unnecessary delay and if he/she places red lanterns or lights on and around said obstruction, lighted and placed in such manner and of such number as to be plainly visible in all directions, between the hours of sunset and sunrise while such obstruction so remains. Any person violating any provisions of this Section shall be deemed guilty of a misdemeanor.

### **SECTION 225.020: UNLAWFUL EXTENT OF OBSTRUCTION, A MISDEMEANOR**

It shall be unlawful for any person to obstruct or occupy with building materials or equipment, dirt piles, articles or materials of any kind calculated to prevent free passage or use by the public, more than one-half ( $\frac{1}{2}$ ) of any sidewalk or more than one-third ( $\frac{1}{3}$ ) of any public roadway, highway or alley, or to in any manner obstruct the free passage of water in any gutter, drain or alley with such materials or articles. Any person who shall violate any provisions of this Section shall be deemed guilty of a misdemeanor.

### **SECTION 225.030: STREET USE PERMIT, WHEN REQUIRED**

Any person proposing to place any obstruction or obstructions upon a public way, as set out in the preceding Sections, shall first secure a permit so to do from the Building Commissioner and such person may be required, at the discretion of the Board of Trustees, to make a cash deposit with the Treasurer to insure that all such obstructions will be safeguarded as required by this Chapter and promptly removed. Said deposit shall be in an amount not to exceed five hundred dollars (\$500.00), and shall be refunded after full compliance herewith and conditions restored equal to that existing prior to the placing of the obstructions.

### **SECTION 225.040: SIDEWALKS TO BE KEPT CLEAN, PENALTY**

The tenants or occupants of all premises occupied by them and the owners or agents of vacant lots owned by them or under their control shall keep the sidewalks in front of and adjoining the property owned, controlled or occupied by them swept and clear of paper, dirt, mud, filth, animal or vegetable matter or any substance or article. After any fall of snow or sleet or formation of ice thereon, said owners, agents, occupants or tenants shall cause the same to be immediately removed from the sidewalk fronting or adjoining the property owned, managed or occupied by them. Where buildings are occupied by more than one (1) tenant, it shall be the duty of the person or persons, occupying the tenement, or tenements nearest the street to comply with the requirements of this Section. Any person violating any provision of this Section shall be deemed guilty of a misdemeanor.

**SECTION 225.050: GOODS FOR SALE ON PUBLIC OR PRIVATE PROPERTY, PROHIBITED**

- A. It shall be unlawful to place and display for sale upon any public or private property within the Town of Grantwood Village any groceries, provisions, commodities, vegetables, fruits, produce, goods, wares or merchandise. Any person violating the provisions of this Section shall be deemed guilty of a misdemeanor.
  
- B. The provisions of this Section 225.050 are not applicable to a business defined by and licensed under the provisions of CHAPTER 605: BUSINESS LICENSES, or to garage, yard, and estate sales as permitted by the provisions of CHAPTER 615: GARAGE/YARD/ESTATE SALES of this Code. (Vil. Ord. No. 566-03, 7-15-03)

**SECTION 225.060: USE OF CLOSED STREET A MISDEMEANOR**

It shall be unlawful for any person to use any street or highway, or part thereof, which has been withdrawn from use by the public, or to drive or attempt to drive any vehicle thereon, or to remove or destroy any barricade, warning light or sign placed upon said street or highway or around or upon any obstruction or defect thereon as a protection or warning to the public. Any person who violates any provision of this Section shall be deemed guilty of a misdemeanor.

**SECTION 225.070: DAMAGE TO PUBLIC PROPERTY, MISDEMEANOR**

It shall be unlawful for any person to injure or damage any sidewalk, curb, gutter, lawn, parkway, public place, tree, pole, post, light standard or fixture, sign, property or fire plug on any public street, highway or alley, by driving a vehicle upon, against or over, or by cutting, breaking or otherwise damaging the same. Any person who violates any provision of this Section shall be deemed guilty of a misdemeanor.

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## CHAPTER 230: ALARM SYSTEMS

### SECTION 230.010: CITATION AND SCOPE

- A. *Citation Of Chapter.* This Chapter shall be known and cited as the "*Alarm Systems Code*".
- B. *Scope.* The provisions of this Chapter shall apply to the area within the incorporated area of the Town of Grantwood Village.

### SECTION 230.020: DEFINITIONS

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

*ALARM BUSINESS:* The business of any person who sells, leases, maintains, services, repairs, alters, replaces, moves or installs any alarm system or causes same to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure, facility or premises.

*ALARM SYSTEM:* Any mechanical or electrical device which is designed to be actuated manually or automatically upon the detection of an unauthorized entry, intrusion, or other emergency in or on any buildings, structure, facility or premises through the emission of a sound or transmission of a signal or message.

*ALARM USER:* A person who uses an alarm system to protect any building, structure, facility or premises.

*AUTOMATIC DIALING DEVICE:* An alarm system which automatically dials a specific telephone number and transmits an emergency message by a recording over regular telephone lines when actuated.

*DEPARTMENT:* The Department of Police of Grantwood Village.

*DIRECT SIGNAL ALARM SYSTEM:* An alarm system which provides for a special telephone line that is directly connected to the Department and has an outlet at the Department which emits a sound or transmits a signal or both when actuated.

*FALSE ALARM:* Any activation of an alarm system intentionally or by inadvertence, negligence or unintentional act to which a Village or St. Louis County police officer responds, including activation caused by the malfunction of the alarm system, except that the following shall not be considered false alarms:

1. When an alarm is caused by an attempted and unauthorized or illegal entry, of which there is visible evidence.
2. When an alarm is intentionally caused by the resident acting under a reasonable belief that a need exists to call the Police Department.
3. When an alarm is followed by a call to the Police Department cancelling the call by giving proper information, prior to the arrival of the Police Officer.

*LICENSEE:* A person who has obtained an alarm business license under the provisions of this Chapter.

**SECTION 230.030: LICENSE REQUIRED—EXCEPTION**

- B. No person shall engage or attempt to engage in the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing alarm systems in or on any building or premises without a currently valid license issued pursuant to this Chapter.
- C. No license shall be required of a person who sells alarm systems at his/her place of business or by mail but neither installs, maintains, nor offers to install or maintain such system. For the purpose of this exception, maintenance does not include the repair under warranty of an alarm system without additional charge.

**SECTION 230.040: APPLICATION AND RENEWAL**

- A. A person applying for a license or a renewal thereof shall file a written verified application with the Village Clerk on a form provided by the Village Clerk which form shall require the following information:
  - 1. The name, address and telephone number of the applicant.
  - 2. The business or trade name, address and telephone number of the applicant;
    - a. If an unincorporated association, the names and addresses of the associates.
    - b. If a corporation, the corporation's registered name and the names and addresses of the officers of the corporation.
    - c. If an individual proprietorship, the name and address of the proprietor.
  - 3. The address of all offices of the alarm business in St. Louis County, Missouri.
  - 4. The name and address of any employee, agent, corporate officer, partner or business associate whose position in the alarm business gives him/her access to information in the installation and use of alarm systems for alarm users.
  - 5. Specifications of the alarm systems to be dealt in.
  - 6. A copy of the instructions provided alarm users.
  - 7. A statement of repair and maintenance service to be made available to applicant's customers.
  - 8. Name and address of the person designated by the applicant to receive notice issued under this Chapter.
  - 9. Signature of the applicant.
- B. A person applying for a renewal of a license shall file his/her application not less than ten (10) days before his/her license expires.
- C. Upon the filing of a license application, the Village Clerk shall conduct an investigation to determine whether the following requirements are satisfied:

1. The information contained in the license application is true.
2. The applicant for a license or an individual who is an employee, agent, corporate officer, partner or business associate of the applicant has not had a license revoked within one (1) year immediately preceding the date the license application is filed or does not have a license that is currently suspended.
3. Neither the applicant nor any employee, agent, corporate officer, partner or business associate whose position in the alarm business gives him/her access to information in the installation and use of alarm systems for alarm users, has been convicted of the following:
  - a. Any felony involving moral turpitude with the previous five (5) years;
  - b. Any misdemeanor involving moral turpitude with the previous two (2) years;
  - c. Repeated or continual violation of any provision of this Chapter within the previous two (2) years.
4. The types of alarm systems, the instructions for the alarm systems and repair and maintenance services available through applicant's alarm business are in compliance with this Chapter.

The Village Clerk may request the Department to assist the Village Clerk in the investigation of a license application.

- D. If the Village Clerk determines that a license application satisfies the requirements prescribed by this Section, the Village Clerk shall issue a license; otherwise, the Village Clerk shall deny the license application.
- E. The Village Clerk shall notify the applicant of the issuance of a license, or denial of the license application. In the case of a denial of a license application, the Village Clerk shall notify the applicant by certified mail and include in the notice the reason for the denial and a statement informing the applicant of his/her right to a hearing if requested by the applicant within ten (10) days after receipt of the notice.
- F. A license shall expire on the thirty-first (31st) day of December next succeeding issuance thereof except in the following instances:
  1. If an applicant timely applies for a license renewal in accordance with this Section and the determination of the renewal request is delayed beyond the thirty-first (31st) of December, the licensee's license is extended pending the determination of the renewal request by the Village Clerk.
  2. If an applicant's license has been suspended or revoked.
- G. If an applicant is denied a license solely because an individual who is an employee, agent, corporate officer, partner or business associate of the applicant has been convicted of the offenses listed in Section 230.040 (C)(3), or had a license revoked within one (1) year immediately preceding the date the license application is filed, or has a license that is currently suspended, then said applicant, upon disassociation with said individual, may obtain a license upon reapplication.



**SECTION 230.050: FEES**

- A. The annual fee for a license for an alarm business shall be fifty dollars (\$50.00).
- B. The fee for issuing a duplicate license for one lost, destroyed or mutilated shall be ten dollars (\$10.00).

**SECTION 230.060: INSTRUCTIONS ON OPERATION**

A licensee who sells, leases, installs, alters or replaces an alarm system shall furnish the alarm user with written instructions as to how the system operates.

**SECTION 230.070: REPAIR AND MAINTENANCE SERVICE REQUIRED**

A licensee shall make available repair and maintenance services, including emergency services during non-business hours, to alarm users for whom the licensee has made installations. At the time of installation, the licensee shall furnish to the alarm user a repair service information card. This card shall inform the alarm user of the services available and include the telephone numbers to call for regular and emergency service.

**SECTION 230.080: LICENSE NOT ASSIGNABLE—CHANGES**

- A. A license issued under this Chapter shall not be assigned or transferred.
- B. A licensee shall notify the Village Clerk of the following information within ten (10) days.
  - 1. Change of control and ownership or management of the alarm business;
  - 2. Change in address or a new address of the alarm business;
  - 3. Change of trade name of the alarm business;
  - 4. Names of new employees, agents, corporate officers, partners or business associates;
  - 5. Any change in the repair and maintenance services available by or through the licensee's alarm business.

**SECTION 230.090: RULES AND REGULATIONS**

The Village Clerk may establish, promulgate and enforce reasonable rules and regulations in order to administer and enforce the provisions of this Chapter.

**SECTION 230.100: SUSPENSIONS–REVOCATIONS**

- A. The Village Clerk shall have the power to suspend a license for new installations, sales, leases or replacements of alarm systems for any one (1) or more of the following reasons:
1. Attempted assignment or transfer of a license prohibited under Section 230.080 (A);
  2. Failure to notify the Village Clerk of any change as required under Section 230.080 (B);
  3. Failure to comply with any reasonable rule or regulation of the Village Clerk.
  4. Failure to provide proper instructions as required under Section 230.060;
  5. Failure to provide adequate repair and maintenance services as required under Section 230.070;
  6. Installation or replacement of alarm systems not in accordance with Sections 230.140, 230.150 and 230.160.
- B. Suspension of a license may be for up to thirty (30) days.
- C. A licensee is still licensed and is still required to provide repair and maintenance service during a suspension period, but no other alarm business shall be conducted.
- D. The Village Clerk shall revoke a license for any one (1) or more of the following reasons:
1. Conviction of the licensee of any of the offenses listed in Section 230.040 (C)(3), or the hiring of any person or the retention of any employee, agent, corporate officer, partner or business associate who is convicted for same and whose position in the alarm business gives him/her access to information in the installation and use of alarm systems for alarm users.
  2. Suspension of a license more than twice in any twelve (12) month period.
  3. The making of any false statement as to a material matter or the omission of any material fact in any application for a license or any change in the information required under Section 230.080 (B).
- E. After revocation of a license, a person may file a new application for a license pursuant to Section 230.040.

**SECTION 230.110: POWER TO INVESTIGATE**

For the purpose of enforcing this Chapter, the Village Clerk shall have the power to make an investigation, and to the extent necessary for this purpose, he/she may examine a licensee or any other persons and shall have the power to compel the production of all relevant books, accounts, documents and other records.

**SECTION 230.120: HEARINGS ON CHARGES–DECISION**

- A. No license shall be suspended or revoked until a licensee has been afforded an opportunity for a hearing before the Village Clerk.

- B. The Village Clerk shall provide notice to the licensee of the hearing at least ten (10) days prior to the hearing. Notice shall be served either personally or by certified mail and shall state the date and place of hearing and a summary of the charges against the licensee.
- C. A licensee shall be heard in his/her defense either in person or by counsel and may produce witnesses to testify in his/her behalf. A record of the hearing shall be made. The Village Clerk shall make a report of his/her findings and decision. For the purpose of this Chapter, the Village Clerk may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents relevant to the investigation.

**SECTION 230.130: FALSE ALARM FINE**

- D. All false alarms to which an officer of the St. Louis County Police Department responds shall result in a fine of twenty-five dollars (\$25.00), except no fine shall be assessed if the responding officer is assigned to and on duty serving as a Grantwood Village Officer.
- E. Upon determination by the Village Police Department that a false alarm has occurred, the Department shall send a notice to the alarm user notifying the alarm user of the determination and directing payment within thirty (30) days.
- F. The Department shall cancel any notice or fine upon satisfactory proof by the alarm user that a particular alarm falls within the exceptions enumerated in Section 230.020, definition of "*False Alarm*", or a determination by the Department that the alarm was caused by usual and extenuating circumstances.
- G. Willful refusal to pay the fine within thirty (30) days of notice shall constitute a violation of this Chapter, but in any prosecution under Section 230.170 for violation of this provision, the Municipality shall prove, in addition to the willful refusal to pay, that the fine was properly imposed.

**SECTION 230.140: AUTOMATIC DIALING DEVICE**

- A. No person shall install or use an automatic dialing device which is programmed to dial the Department's telephone number.
- B. Within ninety (90) days from the effective date of this Chapter, all automatic dialing devices programmed to dial the Department's telephone number shall be re-programmed to dial any other consenting person who may relay the emergency message to the Department by live voice. The alarm user of such device shall be responsible for having his/her alarm system re-programmed within the ninety (90) day time period.

**SECTION 230.150: DIRECT SIGNAL ALARM SYSTEM**

- A. All Direct Signal Alarm Systems which connect to Department are prohibited except for Federal institutions which are required to have such an alarm system under Federal law.
- B. Any Federal institution which is permitted to have a Direct Signal Alarm System shall be required to pay all costs for the installation, maintenance and repair of the alarm system and shall be subject to the provisions of Section 230.130.

**SECTION 230.160: AUDIBLE ALARM**

- A. An "*audible alarm*" is an alarm equipped with an exterior sound-producing device such as a gong, buzzer, siren, bell or horn.
- B. No person shall install or use an audible alarm without a thirty (30) minute timer.
- C. Within ninety (90) days from the effective date of this Chapter, any alarm user having an audible alarm shall be responsible for equipping it with a thirty (30) minute timer.

**SECTION 230.170: VIOLATIONS AND PENALTIES**

Any person who violates or causes a violation of any provision of this Chapter shall be punishable, upon conviction, by imprisonment for not more than six (6) months, or by a fine of not more than one thousand dollars (\$1,000.00) or by both such fine and imprisonment, and each day such violation continues shall be deemed a separate offense.

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## CHAPTER 235: HUMAN RELATIONS

### ARTICLE I. IN GENERAL

#### SECTION 235.010: PURPOSES OF CHAPTER

The purposes of this Chapter are:

1. To secure for all individuals within the Village freedom from any discriminatory practice made unlawful by Article III of this Chapter.
2. To implement within the Village the policies embodied in Missouri and Federal Human Rights legislation, and to promote cooperation between the Village and the State and Federal agencies enforcing that legislation.
3. To provide a Village Commission on Human Rights which is dedicated to the elimination of discriminatory practices made unlawful by Article III of this Chapter.

#### SECTION 235.020: DEFINITIONS

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

*COMMISSION:* The Town of Grantwood Village Commission on Human Rights.

*COMPLAINANT:* A person who has filed a complaint with the Commission alleging that another person has engaged in a prohibited discriminatory practice.

*DISCRIMINATION:* Any unfair treatment based on race, color, religion, national origin, ancestry, sex, handicap, or familial status as it relates to housing.

*DWELLING:* Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a single family residence, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

*FAMILIAL STATUS:* One (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with:

1. A parent or another person having legal custody of such individual; or
2. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

*HANDICAP:* A physical or mental impairment which substantially limits one or more of a person's major life activities, a condition perceived as such, or a record of having such an impairment, which with or without reasonable accommodation does not interfere with utilizing the place of public accommodation, or occupying the dwelling in question. For purposes of this Chapter, the term "*handicap*" does not include current, illegal use of or addiction to a controlled substance as such term is defined by Section 195.010, RSMo., however, a person may be considered handicapped if that person:

1. Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of, and is not currently addicted to, a controlled substance or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;
2. Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or
3. Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance.

*HOUSING FOR OLDER PERSONS:* Housing:

1. Provided under any State or Federal program that the Commission determines is specifically designed and operated to assist elderly persons, as defined in the State or Federal program; or
2. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
3. Intended and operated for occupancy by at least one person fifty-five (55) years of age or older per unit.

Housing qualifies as housing for older persons under this Chapter if:

1. The housing has significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and
2. At least eighty percent (80%) of the units are occupied by at least one (1) person fifty-five (55) years of age or older per unit; and
3. The owner or manager of the housing has published and adhered to policies and procedures which demonstrate an intent by said owner or manager to provide housing for persons fifty-five (55) years of age or older.

*PERSON:* Includes one (1) or more individuals, corporations, partnerships, associations, organizations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries, or other organized groups of persons.

*PLACES OF PUBLIC ACCOMMODATION:* All places or businesses offering or holding out to the general public, goods, services, privileges, facilities, advantages or accommodations for the peace, comfort, health, welfare and safety of the general public or such public places providing food, shelter, recreation and amusement, including, but not limited to:

1. Any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five (5) rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his/her residence;
2. Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment;
3. Any gasoline station, including all facilities located on the premises of such gasoline station and made available to the patrons thereof;
4. Any motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment;
5. Any public facility owned, operated, or managed by or on behalf of this State or any agency or subdivision thereof, or any public corporation; and any such facility supported in whole or in part by public funds;
6. Any establishment which is physically located within the premises of any establishment otherwise covered by this Section or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment.

*RENT:* Includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant.

*RESPONDENT:* A person who is alleged to have engaged in a prohibited discriminatory practice in a complaint filed with the Commission.

*UNLAWFUL DISCRIMINATORY PRACTICE:* Any act that is unlawful under this Chapter.

## **ARTICLE II. COMMISSION ON HUMAN RIGHTS**

### **SECTION 235.030:    COMMISSION CREATED—MEMBERSHIP—QUALIFICATIONS—TERMS—VACANCIES**

There is hereby established a Commission on Human Rights. The Commission shall consist of three (3) members, who shall be appointed by a majority of the members of the Board of Trustees from among the residents of the Village and who shall serve as such without compensation. The Board of Trustees shall endeavor to include individuals on the Commission from various protected categories that have historically been discriminated against. Of the three (3) members first appointed, one (1) shall be appointed for one (1) year, one (1) shall be appointed for two (2) years and one (1) shall be appointed for three (3) years. Thereafter, appointment shall be for terms of three (3) years. In the event of the death, resignation or removal of any member, his/her successor shall be appointed to serve for the unexpired period of the term for which such member had been appointed.



**SECTION 235.040: OFFICERS—MEETING AND QUORUM—RULES AND PROCEDURES—COMPENSATION—ATTENDANCE—TRAINING**

- A. The Commission shall elect a Chairperson, Vice-Chairperson, and Secretary from among its members and create and fill such other offices as it may determine. The term of such elective officers shall be for one (1) year.
- B. The Commission shall meet periodically as necessary. The Chairperson shall preside at all meetings. Two (2) members shall constitute a quorum at any meeting.
- C. The Commission shall adopt rules and procedures for the conduct and transaction of its business and shall keep a record of its proceedings.
- D. Any Commission member having three (3) unscheduled absences without good cause within a period of one (1) year, or who shall be absent from three (3) consecutive regular meetings without consent of the Chairperson or person acting in such Chairperson's stead, shall automatically forfeit such office, and the Chairperson shall promptly notify the Board of Trustees through the Village Clerk of such vacancy.

**SECTION 235.050: FUNCTIONS, POWERS AND DUTIES**

The Commission shall have the following functions, powers and duties:

- 1. To encourage fair treatment for and to foster mutual understanding and respect among, and to discourage discrimination against, any racial, ethnic, religious or other group protected by this Chapter, members of these groups or handicapped persons.
- 2. To formulate and carry out educational programs designed to minimize or eliminate those discriminatory practices made unlawful by Article III of this Chapter.
- 3. To receive and investigate complaints alleging any discriminatory practices made unlawful by Article III of this Chapter.
- 4. To implement the purposes of this Chapter by conference, conciliation and persuasion so that persons may be guaranteed their civil rights and good will be fostered.
- 5. To provide mediation services to resolve incidences of alleged discriminatory practices made unlawful by Article III of this Chapter.
- 6. To cooperate with other organizations, private and public, to discourage discrimination.
- 7. To advise the Board of Trustees on human rights issues.
- 8. To hold public hearings on the state of human rights and relations in the Village and on specific human rights issues.
- 9. To sponsor or initiate specifically targeted workshops and on-going programs to improve human relations and to decrease tensions in the Village.
- 10. To present informational programs on human rights to school, business, service and other organizations.

11. To formulate policies and to adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of this Chapter and said policies of the Commission in connection therewith.
12. To provide each year to the Board of Trustees a full written report of all its activities and of its recommendations.

**ARTICLE III. DISCRIMINATORY PRACTICES**

**SECTION 235.060: UNLAWFUL HOUSING PRACTICES**

A. It shall be an unlawful housing practice:

1. To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable, a dwelling to any person because of race, color, religion, national origin, ancestry, sex, handicap, or familial status.
2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, handicap, or familial status.
3. To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, ancestry, sex, handicap, or familial status, or an intention to make any such preference, limitation, or discrimination.
4. To represent to any person because of race, color, religion, national origin, ancestry, sex, handicap, or familial status that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
5. To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, ancestry, sex, handicap, or familial status.
6. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
  - a. That buyer or renter;
  - b. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
  - c. Any person associated with that buyer or renter.
7. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
  - a. That person;

- b. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
- c. Any person associated with that person.

B. For purposes of Sections 235.060, 235.070, and 235.080 discrimination includes:

1. A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.
2. A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or
3. In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:
  - a. The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;
  - b. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
  - c. All premises within such dwellings contain the following features of adaptive design:
    - (1) An accessible route into and through the dwelling;
    - (2) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
    - (3) Reinforcements in bathroom walls to allow later installation of grab bars; and
    - (4) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

C. As used in Subdivision (3) of Subsection (B) of this Section, the term "*covered multifamily dwelling*" means:

1. Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and
2. Ground floor units in other buildings consisting of four (4) or more units.

D. Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for physically handicapped people, commonly cited as "ANSI A117.1", suffices to satisfy the requirements of Subsection (B)(3) of this Section.

**SECTION 235.070: DISCRIMINATION IN COMMERCIAL REAL ESTATE LOANS**

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance because of race, color, religion, national origin, ancestry, sex, handicap or familial status to a person applying therefor for the purpose of purchasing, construction, improving, repairing, or maintaining a dwelling, or to discriminate against him/her in fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, national origin, ancestry, sex, handicap, or familial status of such person or of any person associated with him/her in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants, of the dwellings in relation to which such loan or other financial assistance is to be made or given.

**SECTION 235.080: DISCRIMINATION IN SELLING OR RENTING BY REAL ESTATE AGENCIES PROHIBITED**

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service organization, or facility relating to the business of selling or renting dwellings, on account of race, color, religion, national origin, ancestry, sex, handicap, or familial status.

**SECTION 235.090: DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED, EXCEPTIONS**

- A. All persons within the Town of Grantwood Village are free and equal and shall be entitled to the full and equal use and enjoyment within this State of any place of public accommodation, as hereinafter defined, without discrimination or segregation on the grounds of race, color, religion, national origin, sex, ancestry, or handicap.
- B. It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person, or to attempt to refuse, withhold from or deny any other person, any of the accommodations, advantages, facilities, services, or privileges made available in any place of public accommodation, as defined in Section 235.020 and this 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 handicap.
- C. The provisions of this Section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association or society, or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in Section 235.020 and this Section.

**SECTION 235.100: ADDITIONAL UNLAWFUL DISCRIMINATORY PRACTICES**

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 Village to discriminate on the basis of race, color, religion, national origin, sex, ancestry, age, as it relates to employment, handicap, or familial status as it relates to housing; or
4. To discriminate in any manner against any other person because of such person's association with any person protected by this Chapter.

#### **SECTION 235.110: EXEMPTIONS**

A. Nothing in this Chapter shall be construed to:

1. Require the Commission to review or approve the plans, designs or construction of all covered dwellings, to determine whether the design and construction of such dwellings are consistent with the requirements of Subsection (B)(3) of Section 235.060.
2. To invalidate or limit any law of the State or of the Village, that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this Chapter.

B. Nothing in Sections 235.060, 235.070 and 235.080:

1. Requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
2. Limits the applicability of any reasonable local restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision of said Sections regarding familial status apply with respect to housing for older persons.
3. Shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance, as defined by Section 195.010, RSMo.

C. Nothing in this Chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this Chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

D. Nothing in this Chapter, other than the prohibitions against discriminatory advertising in Subsection (A)(3) of Section 235.060, shall apply to:

1. The sale or rental of any single-family house by a private individual owner, provided the following conditions are met:
  - a. The private individual owner does not own or have any interest in more than three (3) single family houses at any one time; and
  - b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this section applies to only one such sale in any twenty-four (24) month period; or
2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his/her residence.

#### **ARTICLE IV. ENFORCEMENT PROCEDURES**

##### **SECTION 235.120: COMPLAINTS**

- A. Any individual who claims to be aggrieved by a discriminatory practice may file with the Commission a verified complaint in writing stating the name and address of the person alleged to have committed such practice, the particulars thereof, and such other information as may be required by the Commission.
- B. Any complaint filed under this Section in which affirmative relief is sought shall state what relief is sought or proposed.
- C. All such complaints shall be filed within one hundred eighty (180) days of the date of the alleged discriminatory practice.
- D. An individual who files a complaint with the Commission shall be advised of the possibility of filing a complaint with the Missouri Commission on Human Rights.

##### **SECTION 235.130: COMPLAINTS—INVESTIGATION, CONCILIATION AND MEDIATION**

- A. Complaints shall be investigated and conciliated or mediated by individuals who have been approved by the Commission and trained in investigation, conciliation and mediation.
- B. Upon filing of a complaint, the Chairperson of the Commission shall designate an individual to investigate the allegations. The individual shall promptly investigate such allegations, and if he/she determines that probable cause exists for crediting the allegations of the complaint, he/she shall thereupon undertake to eliminate the alleged discriminatory practice or practices by conference, conciliation and persuasion or mediation, and shall inform the Commission of the results of such efforts. If the individual determines that no such probable cause exists, he/she shall so report to the Commission, which shall thereupon dismiss the complaint without further proceedings, or direct further investigation or, if it determines that probable cause exists for crediting the allegations of the complaint,

direct that the alleged discriminatory practice or practices be the subject of conference, conciliation and persuasion or mediation. Neither the members of the Commission nor any person participating in the investigation shall disclose what has occurred in the course of such efforts to conciliate. The determination of probable cause shall be made, and the investigation and conciliation or mediation shall be conducted, in accordance with such rules, regulations and guidelines as the Commission shall prescribe.

- C. If such efforts fail to eliminate the alleged discriminatory practice or practices, the complainant shall be referred to the Missouri Commission on Human Rights.

#### **SECTION 235.140: PROSECUTIONS—TIME LIMITATIONS**

- A. No prosecution for a violation of any provision of this Chapter, shall be commenced unless a complaint shall have first been filed with the Commission and efforts of the Commission to eliminate the alleged violation have failed.
- B. The period of limitation for any violation of this Chapter shall not run during any time while a complaint involving the alleged violation is pending before the Commission.

#### **SECTION 235.150: PENALTY FOR VIOLATION OF CHAPTER**

Any person who shall violate any provision of this Chapter shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00), or imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment.

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## **CHAPTER 240: EMERGENCY MANAGEMENT**

### **SECTION 240.010: ESTABLISHMENT**

There is hereby created within and for the Town of Grantwood Village an emergency management organization to be known as the Town of Grantwood Village 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 240.020: ORGANIZATION**

This Agency shall consist of a Director and other members appointed by the Town of Grantwood Village 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 240.030: FUNCTIONS**

The organization shall perform emergency management functions within the Town of Grantwood Village, 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 240.040: DIRECTOR**

- A. The Director will be appointed by the Chairman of the Board of Trustees and shall serve at the pleasure of the Village.
- B. The Director shall have direct responsibility for the organization, administration and operations of local emergency management activities.
- 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 Town of Grantwood Village Emergency Management Organization.

### **SECTION 240.050: SCOPE OF OPERATION**

The Town of Grantwood Village in accordance with Chapter 44, RSMo., may:

1. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for civil defense purposes; provide for the health and safety of persons, including emergency assistance to victims of any enemy attack; 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 Disaster and Emergency Planning.

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.
3. In the event of enemy attack, waive the provisions of statutes requiring advertisements for bids for the performance of public work or entering into contracts.

**SECTION 240.060: MUTUAL-AID AGREEMENTS**

The Chairman of the Board of Trustees of the Village, with the approval of the Governor and consistent with the Missouri Emergency Operations Plan, may enter into mutual-aid agreements with other public and private agencies within and without the State for reciprocal emergency aid. The Director may assist in the negotiation of such reciprocal mutual-aid agreements.

**SECTION 240.070: VILLAGE MAY ACCEPT SERVICES, ETC.**

The Chairman of the Board of Trustees of the Village 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 disaster planning and operations purposes, subject to the terms of the offer.

**SECTION 240.080: OATH**

No person shall be employed or associated in any capacity in the Town of Grantwood Village 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 Town of Grantwood Village 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 Town of Grantwood Village 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 240.090: OFFICE SPACE**

The Chairman of the Board of Trustees is authorized to designate space in any Village-owned or leased building for the Town of Grantwood Village Emergency Management Organization.

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## CHAPTER 245: WASTE MANAGEMENT CODE

### SECTION 245.010: SCOPE

The provisions of this Chapter are intended to reduce the amount of Solid Waste being taken to landfills by encouraging our residents to recycle waste that can be re-used or re-processed. The following sections are written to be in conformity with the Solid Waste laws of the State of Missouri (Chapter 260) and the Waste Management Code of St. Louis County (Chapter 607). In the event there is any conflict with the Grantwood Village Chapter 245, the State or County rules and regulations will prevail.

### SECTION 245.020: DEFINITIONS

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

*BANNED ITEMS:* Items that are prohibited from being disposed of, by State Law, in a solid waste disposal area, including but not limited to, major appliances, waste oil, lead acid batteries, waste tires and the like as the same may be now or hereafter further defined by State law.

*BOARD:* The Town of Grantwood Village Board of Trustees.

*BULKY WASTE:* Non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefor. Bulky residential waste is bulky waste generated on residential premises (other than automobiles and construction and demolition materials) that is capable of being carried by two (2) persons.

*COLLECTION:* Removal of solid waste from its place of storage to the transportation vehicle.

*CONTRACTOR:* Such person, firm or corporation as may be contracted with to provide solid waste collection, transportation and disposal for the Village. Also known as a Solid Waste Contractor.

*CURBSIDE:* A location adjacent to and not more than five (5) feet from any street.

*DISPOSABLE SOLID WASTE CONTAINER:* Disposable plastic or paper sacks with a capacity of twenty (20) to thirty-nine (39) gallons, or if specifically designated for storage of solid waste, a maximum of fifty-five (55) gallons.

*DWELLING UNIT:* Any room or group of rooms located within a structure, and forming a single habitable unit with facilities that are used, or are intended to be used, for living, sleeping, cooking and eating.

*HAZARDOUS WASTES:* Any waste or combination of wastes, as determined by the Missouri Hazardous Waste Commission by rules and regulations, which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a present or potential threat to the health of humans or the environment.

*HOUSEHOLD WASTE:* Any solid waste including putrescible garbage and trash derived from households.

*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, firm, partnership, association, corporation, trust, political subdivision, limited liability entity, institution or municipality.

*RECOVERED MATERIALS:* Those materials which have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not they require subsequent separation and processing. Accepted materials are to be determined by the Solid Waste Contractor.

*SOLID WASTE:* Garbage, refuse and other discarded materials including, but not limited to, solid and semi-solid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include Hazardous Waste or Recovered Materials as defined in Sections 260.360 to 260.432, RSMo. overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting. Solid waste does not include "*Yard By-product (Yard Waste)*" as defined herein.

*SOLID WASTE COLLECTOR:* Employees of the Solid Waste Contractor who collect the solid waste from residences in the Village.

*SOLID WASTE CONTAINER:* Receptacle used by any person to store solid waste during the interval between solid waste collections.

*SOLID WASTE DISPOSAL:* The process of discarding or getting rid of unwanted material. In particular the final disposition of solid waste by man.

*SOLID WASTE MANAGEMENT:* The entire solid waste system of storage, collection, transportation, processing and disposal.

*STORAGE:* Keeping, maintaining or storing solid waste from time of its production until the time of its collection.

*TRANSPORTATION:* The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

*VILLAGE:* The Town of Grantwood Village, Missouri.

*WHITE GOODS:* Clothes washers and dryers, water heaters, trash compactors, dishwashers, microwave ovens, conventional ovens, ranges, stoves, wood stoves, air-conditioners, refrigerators, freezers and automobile or vehicle tires and batteries.

*YARDBY-PRODUCT (Yard Waste):* Leaves, grass clippings, yard and garden vegetation, tree limbs six (6) inches or less in diameter and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

**SECTION 245.030: SOLID WASTE STORAGE**

- A. On residential premises, it shall be the responsibility of every person over the age of seventeen (17) years residing on the premises to see that sections 245.030 and 245.040 are satisfied with respect to the storage and disposal of residential waste stored on the premises, regardless of whether an act of noncompliance was occasioned by the action or failure to act of any one person so charged.
- B. The occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the Village, shall provide sufficient and adequate containers for the storage of all solid waste or yard by-products (yard waste), except bulky waste and white goods and demolition and construction waste, to serve each such dwelling unit and/or establishment, and to maintain such solid waste containers at all times in good repair.
- C. The occupant of every dwelling unit and of every institutional, commercial, business, industrial or agricultural establishment shall place all solid waste to be collected in proper solid waste containers and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Accumulation of waste in suitable containers shall not be stored upon any site in the Village for a period longer than seven (7) days.
- D. There shall be provided on each premise where waste is generated, whether such premises are residential or non-residential, containers for storage of all municipal waste (except bulky waste), yard by-products (yard waste) and recovered materials. Containers for curbside collection of Recovered Materials and Yard By-products (Yard Waste) shall conform to the requirements of the Contractor who holds the Contract with the Village. The containers must be of sufficient quantity and size to hold all waste securely between collections.
- E. Commercial solid waste shall be stored in solid waste containers as approved by the Board. The containers shall be waterproof, leak-proof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth by Section 245.080.
- F. The Village may permit the Contractor to furnish solid waste containers as specified in its Solid Waste Contract with the Solid Waste Contractor.

**SECTION 245.040: COLLECTION OF SOLID WASTE**

- A. The Village shall enter into an exclusive contract to provide for the collection of solid waste from all residences within the corporate city limits of Grantwood Village as follows:
  - 1. *Collection of residential solid waste.* The Village shall provide for the collection of residential solid waste in the Village by contracting with a commercial trash collection firm, government entity or a combination thereof, for the entire Village. The fee for such service may be charged to individual residents directly by the Contractor.
  - 2. *Other collections.* The Village may, at its discretion, provide commercial solid waste collection services upon specific application of the owners or persons in charge thereof. However, in the event that such application is not made or approved, it shall be the duty of such establishment to provide for collection of all solid waste produced upon any such premises in a manner approved by Village. If and when the Village does provide commercial collection service, the provisions herein concerning such service shall apply.

- B. All solid waste from premises to which collection services are provided under contract with the Village shall become the property of the Contractor upon being loaded into the transportation equipment.
- C. Residential solid waste containers as required by this Chapter for the storage of residential solid waste shall be placed at the appropriate location as determined by provisions of Contract between Village and the Contractor providing trash collection service. Any trash to be placed at the curb for collection may not be so placed until after 4:00 P.M. on the day next preceding the regularly scheduled collection day. Containers shall be removed from the curb no later than 8:00 P.M. on the day of collection. No solid waste container furnished by a resident shall be larger than sixty-five (65) gallons in size. All waste containers larger than sixty-five (65) gallons in size shall be subject to the provisions of Paragraph (K) below.
- D. Residential waste, Yard By-product (Yard Waste) and/or recovered material containers shall be stored upon the premises where the waste was generated. All containers will be stored at least three (3) feet behind the front of the main residence structure.
- E. Individuals desiring the collection of White Goods shall deal directly with the Contractor licensed by the Village for the collection of the same.
- F. The Solid Waste Contractor operating under contract with the Village is hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Chapter. Solid Waste Contractors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste.
- G. It shall be the responsibility of the occupants of each residence to prepare, package and deliver solid waste for collection as prescribed in this Chapter and as it may be amended from time to time.
- H. It shall be the responsibility of each commercial, industrial, institutional or other non-residential generator of solid waste to prepare, package and store solid waste so generated as prescribed by this Chapter and as it may be amended from time to time. The Village does not contract for the removal of solid waste from non-residential generators of solid waste.
- I. It shall be the responsibility of the Solid Waste Contractor to abide by this Chapter and receive and transport solid waste in a manner consistent with the provisions of this Chapter.
- J. The following collection frequencies shall apply to collections of solid waste within the Village: All residential solid waste, yard by-products (yard waste) and bulky waste shall be collected according to a schedule agreed to by Village and Contractor, but not less than once weekly. All commercial solid waste shall be collected no less than once weekly, and may be collected at more frequent intervals as may be fixed by the Board upon a determination that more frequent intervals are necessary for the preservation of the health and/or safety of the public.
- K. Commercial solid waste containers shall remain in the location from which they are to be serviced except while being serviced. No waste container (which shall include but is not limited to, any dumpster or detachable truck bed) larger than ninety (90) gallons shall be located in any residential district without a permit issued by the Building Commissioner. Such permits shall be for the period of time specified by the Building Commissioner but not for a period longer than six (6) months. No dumpster shall be located upon the street without first obtaining specific written authorization from Village Building and Street Commissioner and then only for that period authorized by Building Commissioner.
- L. The Contractor operating under contract with the Village shall be responsible for the collected solid waste from the point of collection to the point of disposal provided the solid waste was stored in

compliance with the applicable Sections of this Chapter. Any spillage or blowing litter caused as a result of the duties of the Contractor shall be collected and placed in the transportation vehicle by the solid waste collector.

- M. It shall be unlawful for any person, firm or corporation collecting and disposing of rubbish, garbage or waste material from premises in the residential districts or premises in any commercial district which abuts or adjoins a residential district in the Village, to make such collection or dispose of rubbish, garbage or waste materials between the hours of 9:00 P.M. and 7:00 A.M.

#### **SECTION 245.050: TRANSPORTATION OF SOLID WASTE**

- A. All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste there from. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternative, the entire bodies thereof shall be enclosed, with only loading hoppers. Provided, however, that other vehicles may be used to transport bulky rubbish, which because of its size or weight is not susceptible to being loaded or unloaded in vehicles described in this Subsection (A), but in no event shall such vehicles be operated without adequate cover or binding to prevent spillage or waste there from and in accordance with the rules and regulations made by the Board.
- B. Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities. However, all such material shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.
- C. Transportation and disposal of demolition and construction wastes shall be in accordance with Sections 245.040 and 245.050.

#### **SECTION 245.060: DISPOSAL OF SOLID WASTE**

- A. Solid wastes shall be deposited at a processing facility or disposal area approved by the Village and complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 to 260.245, RSMo., and the rules and regulations adopted thereunder. The Village may designate the processing or disposal facility to be utilized by persons holding permits under this Chapter.
- B. The Board may classify certain wastes as hazardous wastes that will require special handling and shall be disposed of only in a manner acceptable to the Board that will meet all local, State and Federal regulations.

#### **SECTION 245.070: BUSINESS LICENSE AND INSURANCE**

- A. No person, including any person contracting with the Village for the collection of solid waste, shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the Village, without first obtaining an annual Business License from the Village; provided however, that this provision shall not be deemed to apply to employees of the holder of any such permit. The Village Clerk shall issue business License after payment of the annual license fee.



- B. The Contractor shall provide a certificate of insurance which shall indemnify and hold harmless the Town of Grantwood Village from any liability, claim, damage, or cause of action which may be sustained by or asserted against the Town of Grantwood Village, directly or indirectly, or in any manner arising out of the performance or failure of performance on the part of the Contractor, and shall cover each vehicle used in the performance of the work covered by this Agreement. The amount of such liability insurance (Commercial General Liability, Business Automobile Liability and Excess Liability) shall not be less than \$2,000,000 single limit coverage. In addition, the Contractor shall carry Workers' Compensation, and Employer's Liability Insurance of not less than \$1,000,000. All insurance shall be maintained in force during the term of this Agreement. Said insurance shall be carried in a firm or corporation with an insurance rating of A+ and be satisfactory to the Town of Grantwood Village and duly licensed or permitted to carry on such business in the State of Missouri. Such insurance policy or policies shall be filed with the Town of Grantwood Village together with the certificate of the insurer that the policy or policies are in full force and effect and that it will not be altered, amended, or terminated without sixty (60) days prior written notice having been given to the Town of Grantwood Village. All certificates of insurance shall specifically list the Town of Grantwood Village as an additional insured with respect to the policies related to the specifications and the Agreement.
- C. If the application shows that the applicant will collect, transport, process or dispose of solid wastes without hazard to the public health or damage to the environment and is in conformity with the laws of the State of Missouri, St. Louis County and this Chapter and is approved by the Village, the Village Clerk shall issue the Business License authorized by the ordinance. The permit shall be issued for a period of one (1) year, and each applicant shall pay therefore, a fee of five hundred dollars (\$500.00).
- D. The annual permit may be renewed simply upon payment of the fee or fees as designated herein if the business has not been modified. If modifications have been made, the applicant shall re-apply for a license as set forth in Subsections (B) and (C) of Section 245.070. No permits authorized by ordinance shall be transferable from person to person.
- E. In order to ensure compliance with the laws of the State of Missouri, St. Louis County, this Chapter, and the rules and regulations authorized herein, the Village Clerk is authorized to inspect all phases of solid waste management within the Town of Grantwood Village. No inspection shall be made of any residential waste unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this Chapter concerning processing or disposal of solid waste or the laws of the State of Missouri, the Village shall issue notice for such violation stating therein the violation or violations found, the time, and date and the corrective measures to be taken together with the time in which such corrections shall be made.
- F. In all cases, when the corrective measures have not been taken within the time specified, the Village may suspend or revoke the permit or permits involved in the violation however, in those cases where an extension of time will permit correction and there is not a public health hazard created by the delay, one (1) extension of time not to exceed the original time period may be given.
- G. Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the Village Clerk may, within thirty (30) days of the act for which redress is sought, appeal directly to the Circuit Court of St. Louis County, in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

#### **SECTION 245.080: RULES AND REGULATIONS**

- A. The Board may 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, sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.
- B. The Village Clerk or such other Village Official who is responsible for preparing utility or other service charge billings for the Village, 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, subject to the approval of the Board.
- 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 Village Clerk of the Village.

#### **SECTION 245.090: PROHIBITED PRACTICES**

It shall be unlawful for any person to:

1. Deposit solid waste in any solid waste container 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 Village, those of a Contractor operating under contract with the Village, or any duly licensed collector;

3. Dispose of solid waste at any facility or location that is not approved by the Village and the Missouri Division of Health;
4. Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the Village without a permit from the Village, or operate under an expired permit, or operate after a permit has been suspended or revoked.

**SECTION 245.095: BONDS**

The Board may require performance or payment bonds of any solid waste collection agency prior to issuing permits to so operate. (Ord. No. 604-07, 2-20-07)

## CHAPTER 250: UTILITY FACILITIES PERMITS AND REGULATIONS

**WHEREAS**, the 94th General Assembly enacted SB284, codified as Sections 67.2675 through 67.2714 R.S.Mo. and known as the "2007 Video Services Providers Act," which contemplates the preemption or expiration of the historical authority of local governments to franchise cable television operators and establishes a state-wide franchise scheme for all video service providers, including cable television operators; and

**WHEREAS**, within this context the Act reserves to local governments certain regulatory authority over video service providers, including the imposition of fees on gross revenues attributable to the provision of video services, the establishment of uniform customer service standards, and the regulation of the location and appearance of video service facilities in municipal rights of way and on private property, among other things; and

**WHEREAS**, the Village held a public hearing to consider the merits of this Ordinance, after satisfying all publication and notice requirements established by law, and all persons present at such hearings were given an opportunity to be heard and were heard;

### **SECTION 250.010: ZONING AND POLICE POWER REGULATIONS**

A. Definitions. The following terms shall have the following meanings unless otherwise defined by context:

"Director," the Village's Building & Street Commissioner or such other person designated to administer and enforce this Ordinance.

"Facilities," a network or system, or any part thereof, used for providing or delivering a Service and consisting of one or more lines, pipes, irrigation systems, wires, cables, fibers, conduit facilities, cabinets, poles, vaults, pedestals, boxes, appliances, antennas, transmitters, radios, towers, gates, meters, appurtenances, or other equipment.

"Person" an individual, partnership, limited liability corporation or partnership, association, joint stock company, trust, organization, corporation, or other entity, or any lawful successor thereto or transferee thereof.

"Facilities Permit," a permit granted by the Village for placement of Facilities on private property.

"Service," providing or delivering an economic good or an article of commerce, including, but not limited to gas, telephone, cable television, Internet, open video systems, video services, alarm systems, steam, electricity, water, telegraph, data transmission, petroleum pipelines, sanitary or storm water sewerage or any similar or related service, to one or more Persons located within or outside of the Village using Facilities located within the Village.

B. Facilities Permits.

1. Any Person desiring to place Facilities on private property must first apply for and obtain a Facilities Permit, in addition to any other building permit, license, easement, franchise, or authorization required by law. The Director may design and make available standard forms for such applications, requiring such information as allowed by law and as the Director determines in his or her discretion to be necessary and consistent with the provisions of this Ordinance and to accomplish the purposes of this Ordinance. Each application shall at minimum contain the following information, unless otherwise waived by the Director:

- (a) The name of the Person on whose behalf the Facilities are to be installed and the name, address, and telephone number of a representative whom the Village may notify or contact at any time (i.e., 24 hours per day 7 days per week) concerning the Facilities;
  - (b) A description of the proposed work, including a site plan and such plans or technical drawings or depictions showing the nature, dimensions, location, and description of the Facilities, their location, and their proximity to other Facilities that may be affected by their installation.
2. Each such application shall be accompanied by an application fee of one hundred fifty dollars (\$150.00) to cover the cost of processing the application.
3. Application Review and Determination.
- (a) The Director shall promptly review each application and shall grant or deny the application within thirty-one (31) days. Unless the Application is denied pursuant to subparagraph (d) hereof, the Director shall issue a Facilities Permit upon determining that the applicant (i) has submitted all necessary information, (ii) has paid the appropriate fees, and (iii) is in full compliance with this Ordinance and all other Village ordinances. The Director may establish procedures for bulk processing of applications and periodic payment of fees to avoid excessive processing and accounting costs.
  - (b) It is the intention of the Village that proposed Facilities will not impair public safety, harm property values or significant sight-lines, or degrade the aesthetics of the adjoining properties or neighborhood, and that the placement and appearance of Facilities on private property should be minimized and limited in scope to the extent allowed by law to achieve the purposes of this section. To accomplish such purposes, the Director may impose conditions on Facilities Permits, including alternative landscaping, designs, or locations, provided that such conditions are reasonable and necessary, shall not result in a decline of service quality, and are competitively neutral and nondiscriminatory.
  - (c) An applicant receiving a Facilities Permit shall promptly notify the Director of any material changes in the information submitted in the application or included in the permit. The Director may issue a revised Facilities Permit or require that the applicant reapply for a Facilities Permit.
  - (d) The Director may deny an application, if denial is deemed to be in the public interest, for any one of the following reasons:
    - (i) Delinquent fees, costs or expenses owed by the applicant;
    - (ii) Failure to provide required information;
    - (iii) The applicant being in violation of the provisions of this Ordinance or other Village ordinances;
    - (iv) For reasons of environmental, historic or cultural sensitivity, as defined by applicable federal, state or local law;
    - (v) For the applicant's refusal to comply with reasonable conditions required by the Director;
 or

- (vi) For any other reason to protect the public health, safety and welfare, provided that such denial does not fall within the exclusive authority of the Missouri Public Service Commission and is imposed on a competitively neutral and nondiscriminatory basis.

#### 4. Permit Revocation and Ordinance Violations.

- (a) The Director may revoke a Facilities Permit without fee refund after notice and an opportunity to cure, but only in the event of a substantial breach of the terms and conditions of the permit or this Ordinance. Prior to revocation the Director shall provide written notice to the responsible Person identifying any substantial breach and allowing a reasonable period of time not longer than thirty (30) days to cure the problem, which cure period may be immediate if certain activities must be stopped to protect the public safety. The cure period shall be extended by the Director on good cause shown. A substantial breach includes, but is not limited to, the following:
  - (i) A material violation of the Facilities Permit or this Ordinance;
  - (ii) An evasion or attempt to evade any material provision of the Permit or this Ordinance, or the perpetration or attempt to perpetrate any fraud or deceit upon the Village or its residents;
  - (iii) A material misrepresentation of fact in the application;
  - (iv) A failure to complete Facilities installation by the date specified in the Permit, unless an extension is obtained or unless the failure to complete the work is due to reasons beyond the applicant's control; and
  - (v) A failure to correct, upon reasonable notice and opportunity to cure as specified by the Director, work that does not conform to applicable national safety ordinances, industry construction standards, or the Village's pertinent and applicable ordinances, including but not limited to this Ordinance, provided that Village standards are no more stringent than those of a national safety ordinance.
- (b) Any breach of the terms and conditions shall also be deemed a violation of this Ordinance, and in lieu of revocation the Director may initiate prosecution of the User for such violation.

#### 5. Appeals and Alternative Dispute Resolution.

- (a) Any Person aggrieved by a final determination of the Director may appeal in writing to the Village Clerk within five business (5) days thereof. The appeal shall assert specific grounds for review, and the Village Clerk shall render a decision on the appeal within fifteen (15) business days of its receipt affirming, reversing or modifying the determination of the Director. The Village Clerk may extend this time period for the purpose of any investigation or hearing deemed necessary. A decision affirming the Director's determination shall be in writing and supported by findings establishing the reasonableness of the decision. Any Person aggrieved by the final determination of the Village Clerk may file a petition for review pursuant to Chapter 536 of the Revised Statutes of Missouri, as amended, in the Circuit Court of the County of St. Louis. Such petition shall be filed within thirty (30) days after the Village Clerk's final determination.
- (b) On agreement of the parties and in addition to any other remedies, any final decision of the Village Clerk may be submitted to mediation or binding arbitration.

- (i) In the event of mediation, the Village Clerk and the applicant shall agree to a mediator. The costs and fees of the mediator shall be borne equally by the parties, and each party shall pay its own costs, disbursements and attorney fees.
- (ii) In the event of arbitration, the Village Clerk and the applicant shall agree to a single arbitrator. The costs and fees of the arbitrator shall be borne equally by the parties. If the parties cannot agree on an arbitrator, the matter shall be resolved by a three-person arbitration panel consisting of one arbitrator selected by the Village Clerk, one arbitrator selected by the Applicant or User, and one person selected by the other two arbitrators, in which case each party shall bear the expense of its own arbitrator and shall jointly and equally bear with the other party the expense of the third arbitrator and of the arbitration. Each party shall also pay its own costs, disbursements and attorney fees.

### C. Facilities Regulations.

1. The following general regulations apply to the placement and appearance of Facilities:
  - (a) Facilities shall be placed underground, except when other similar Facilities exist above-ground or when conditions are such that underground construction is impossible, impractical or economically infeasible, as determined by the Village, and when in the Village's judgment the above-ground construction has minimal aesthetic impact on the area where the construction is proposed. Facilities shall not be located so as to interfere, or be likely to interfere, with any public facilities or use of public property.
  - (b) Facilities shall be located in such a manner as to reduce or eliminate their visibility. Non-residential zoning districts are preferred to residential zoning districts. Preferred locations in order of priority in both district types are (a) thoroughfare landscape easements, (b) rear yards, and (c) street side yards on a corner lot behind the front yard setback. Placements within side yards not bordered by a street or within front yards are discouraged.
  - (c) Facilities shall be a neutral color and shall not be bright, reflective, or metallic. Black, gray and tan shall be considered neutral colors, as shall any color that blends with the surrounding dominant color and helps to camouflage the Facilities. Sight-proof screening, landscape or otherwise, may be required for Facilities taller than three (3) feet in height or covering in excess of four (4) square feet in size. Such screening shall be sufficient to reasonably conceal the Facility. A landscape plan identifying the size and species of landscaping materials shall be approved by the Director prior to installation of any Facility requiring landscape screening. The Person responsible for the Facilities shall be responsible for the installation, repair, or replacement of screening materials. Alternative concealment may be approved by the Director to the extent it meets or exceeds the purposes of these requirements.
  - (d) Facilities shall be constructed and maintained in a safe manner and so as to not emit any unnecessary or intrusive noise and in accordance with all applicable provisions of the Occupational Safety and Health Act of 1970, the National Electrical Safety Code, and all other applicable federal, state, or local laws and regulations.
  - (e) No Person shall place or cause to be placed any sort of signs, advertisements, or other extraneous markings on the Facilities, except such necessary minimal markings approved by the Village as necessary to identify the Facilities for service, repair, maintenance or emergency purposes or as may be otherwise required to be affixed by applicable law or regulation.

- (f) If the application of this subsection excludes locations for Facilities to the extent that the exclusion conflicts with the reasonable requirements of the applicant, the Director shall cooperate in good faith with the applicant to attempt to find suitable alternatives, but the Village shall not be required to incur any financial cost or to acquire new locations for the applicant.
2. Any Person installing, repairing, maintaining, removing, or operating Facilities, and the Person on whose behalf the work is being done, shall protect from damage any and all existing structures and property belonging to the Village and any other Person. Any and all rights of way, public property, or private property disturbed or damaged during the work shall be repaired or replaced, and the responsible Person shall immediately notify the owner of the fact of the damaged property. Such repair or replacement shall be completed within a reasonable time specified by the Director and to the Director's satisfaction.
  3. The applicant shall provide written notice to all property owners within one hundred and eighty-five (185) feet of the site at least 48 hours prior to any installation, replacement or expansion of its Facilities. Notice shall include a reasonably detailed description of work to be done, the location of work, and the time and duration of the work.
  4. At the Village's direction, a Person owning or controlling Facilities shall protect, support, disconnect, relocate, or remove Facilities, at its own cost and expense, when necessary to accommodate the construction, improvement, expansion, relocation, or maintenance of streets or other public works or to protect the ROW or the public health, safety, or welfare.
  5. If a Person installs Facilities without having complied with the requirements of this Ordinance or abandons the Facilities, said Person shall remove the Facilities; and if the Person fails to remove the Facilities within a reasonable period of time, the Village may, to the extent permitted by law, have the removal performed at the Person's expense.
  6. Facilities shall be subject to all other applicable regulations and standards as established as part of the Village Code, including but not limited to building codes, zoning requirements and rights of way management regulations in addition to the regulations provided herein.

**SECTION 250.020: FINE**

Any person found guilty of violating any provision of this Ordinance shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or by imprisonment not to exceed 90 days, or by both such fine and imprisonment, and each day the violation continues shall constitute a separate offense.

**SECTION 250.030: BOARD INTENTION**

It is hereby declared to be the intention of the Board of Trustees that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Trustees intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect. (Vil. Ord. No. 615-07, 9-18-07)