

# CITY OF GLENAIRE, MISSOURI

## Code of Ordinances

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# CODE

## CHAPTER 1 – GENERAL PROVISIONS

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### CHAPTER 1 GENERAL PROVISIONS<sup>1</sup>

#### *Article I* IN GENERAL

##### **Section 1-1) How Code is designated and cited**

The ordinances embraced in this and the following chapters and sections shall constitute and be designated "The Code of the City of Glenaire, Missouri" and may be so cited. Such ordinances may also be cited as "Glenaire City Code."

##### **Section 1-2) Definitions and Rules of Construction**

In the construction of this Code and of all other ordinances of the city, the following definitions and rules of construction shall be observed, unless it shall be otherwise expressly provided in any section or ordinance, or unless inconsistent with the manifest intent of the board of aldermen, or unless the context clearly requires otherwise:

*Acts by agents.* When an act is required to be done which may, by law, as well be done by an agent as by the principal, such requisition shall be done by an agent as by the principal, such requisition shall be construed to include all such acts when done by an authorized agent.

*Alderman.* Any person elected to that office and shall include those persons who hold other offices and who are ex officio.

*Board of Aldermen, Board.* Whenever the term "Board of Aldermen" or the word "Board" is used, unless the context requires otherwise, such term or word shall be construed to refer to the Board of Aldermen of the City of Glenaire.

*City.* The term "the city" or "this city" means the City of Glenaire, Missouri.

*Computation of time.* The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day is Sunday or a legal holiday, that shall be excluded.

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

*Joint authority.* Terms importing joint authority to three or more persons shall be construed as authority to a majority of such persons.

*Month.* The term "month" means a calendar month.

*Number.* When any subject matter, party or person is described or referred to by terms importing the singular number, the plural and separate matters and persons and bodies corporate shall be deemed to be included.

*Oath.* The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

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<sup>1</sup>State law reference(s)— <sup>1</sup>For state law as to construction of statutes generally, see RSMo §§ 1.010 to 1.210.

# CODE

## CHAPTER 1 – GENERAL PROVISIONS

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*Owner.* The term "owner," applied to a building or land, means and includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.

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

*Preceding, following.* The terms "preceding" and "following" mean next before and next after, respectively.

*Property.* The term "property" means and includes real and tangible and intangible personal property.

*Public way.* The term "public way" means and includes any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

*Real property.* The terms "real property," "premises," "real estate" or "lands" shall be deemed to be coextensive with lands, tenements and hereditaments.

*Reasonable time.* In all cases where an act is required to be done in a reasonable time or reasonable notice is to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

*Shall, may.* The term "shall" is mandatory, and the term "may" is permissive.

*Sidewalk.* The term "sidewalk" means that portion of the street between the curb line and the adjacent property line which is intended for the use of pedestrians.

*Signature.* Where the written signature of any person is required, the proper handwriting of such person or his mark shall be intended.

*State.* The term "the state" or "this state" means the State of Missouri.

*Tangible personal property.* The term "tangible personal property" shall include goods, chattels and all personal property, except intangible personal property.

*Tenant, occupant.* The terms "tenant" or "occupant," applied to a building or land, means and includes any person who occupies the whole or a part of such building or land, whether alone or with others.

*Tense.* The use of any verb in the present tense shall include the future when applicable.

*Week.* The term "week" shall be construed to mean seven days; but publications in a newspaper of any notice or other matter indicated to be for a stated number of weeks shall be construed to mean one insertion each week, unless specifically stated to be for each day of the week or for more than one day in each week.



# CODE

## CHAPTER 1 – GENERAL PROVISIONS

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*Writing.* The terms "writing" and "written" mean and include printing, lithographing or any other mode of representing words and letters.

*Year.* The term "year" means a calendar year, unless otherwise expressed, and the term "year" shall be equivalent to the words "year of our Lord."

All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

### **Section 1-3) Catchlines of sections; provisions considered as continuations of existing ordinances**

(a)The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such section, nor as any part of the section; nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

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

### **Section 1-4) Severability of parts of Code**

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

### **Section 1-5) Repeal of ordinance not to affect liabilities, etc.**

Whenever any ordinance or part of any ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the ordinance repealing or modifying the same shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in anywise be affected, released or discharged but may be prosecuted, enjoyed and recovered as fully as if such ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

### **Section 1-6) Repeal not to revive former ordinance**

When an ordinance repealing a former ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it is expressly so provided, and such former ordinance, clause or provision is set forth at length.

# CODE

## CHAPTER 1 – GENERAL PROVISIONS

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### **Section 1-7) General penalty.<sup>2</sup>**

(a) Except as hereinafter provided, whenever in this Code or in any other ordinance of the city, or in any rule, regulation or order promulgated pursuant to such Code or other ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or in such other city ordinance, rule, regulation or order, the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or of any other ordinance of the city or of any rule, regulation or order promulgated pursuant to such Code or other city ordinance shall be punished by a fine not exceeding \$500.00, or by imprisonment for a period of not exceeding three months, or by both such fine and imprisonment and the costs of suit, together with judgment for imprisonment, until the fine and costs are paid or satisfied.

(b) Whenever any provision of the Revised Statutes of Missouri or other statute of the state limits the authority of the city to punish the violation of particular provision of this Code or other city ordinance or rule, regulation or order promulgated pursuant thereto to a fine of less amount than that provided in this section or imprisonment for a shorter term than that provided in this section, then the violation of such particular provision of this Code or other city ordinance, rule, regulation or order shall be punished by the imposition of not more than the maximum fine or imprisonment so authorized, or by both such fine or imprisonment.

(c) Each day any violation of this Code or any other city ordinance, rule, regulation or order promulgated pursuant thereto shall constitute a separate offense, unless otherwise provided.

(Code 2021, § 1-1 through 1-7; Ord. No. TBA)

## *Article II* CITY DESIGNATION, BOUNDARIES AND REPRESENTATION

### **Section 1-8) City of Glenaire Designation as a Fourth-Class City**

The City of Glenaire, Missouri became a Fourth-Class City pursuant to an election held November 5, 1991 and proclaimed by proclamation dated November 19, 1991.

(Code 2021, § 1-8; Ord. No. 149, 1/22/1992)

### **Section 1-9) City Boundaries**

- (a) The City of Glenaire was incorporated as the Village of Glenaire by order of the County Court of Clay County, Missouri on September 13, 1950, which appears on Record Book 48 on Page 451. The City of Glenaire is located wholly within Clay County Missouri.
- (b) The original boundaries of the Village of Glenaire included the Northwest quarter of Section 24 Township 51 Range 32 of Clay County MO.

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<sup>2</sup>State law authorizing City to prescribe penalty, see RSMo § 77.590.

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## CHAPTER 1 – GENERAL PROVISIONS

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(c) An extension of boundaries of the city limits approved by the Clay County Court on August 19, 1952 is described as:

- (i) All that part of the west half of Section 19, in Township 51, Range 31, lying north and west of the west line of the right-of-way of the Chicago, Burlington & Quincy Railroad Company, containing 38 acres, more or less, and
- (ii) Also a tract of land described as follows: Commencing at the southwest corner of Section 18, in Township 51, Range 31, thence north 17.16 feet to the southeast corner of Section 13, Township 51, Range 32, thence east 1160.23 feet to the right-of-way of the Chicago, Burlington & Quincy Railroad Company, thence south 25 degrees 51 minutes west with said right-of-way to the Section line, thence west on said section line 1151.9 feet to the point of beginning, containing .45 of an acre, more or less, and
- (iii) Also the northeast quarter of Section 24, Township 51, Range 32.

(Code 2021, § 1-9; Ord. No.12 and 13, § 1, 8/18/1952)

### **Section 1-10) Representation**

Commencing with the April 2007 election, all Aldermen will be “at large” and represent the interests of the residents of Glenaire in total and not by a Ward designation.

(Code 2021, § 1-9; Ord. No.306, § 1 9/26/2006, Repealing Ord. 224 and 149)

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## CHAPTER 1 – GENERAL PROVISIONS

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Bill Number	Ordinance Number	Description of Ordinance	Date Enacted
13	12	Extension of Village boundaries	8/18/1952
14	13	Extension of Village boundaries	8/18/1952
147	149	Ward Representation for City of Glenaire/4th class city	1/21/1992
222	224	Amends Ord. 149 (Ward Division)	6/15/1999
304	306	Board Representation via At Large Designations	9/26/2006

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## CHAPTER 2 – ADMINISTRATION

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### CHAPTER 2 ADMINISTRATION

#### *Article I* ELECTIVE AND POSITIONS

##### **Section 2-1) Elective Positions**

The elective positions of mayor and four at-large aldermen shall be elected on the first Tuesday of April. The mayor and two at-large aldermen shall be elected on odd-numbered years and shall serve two years until their successors shall be elected and qualified. Two at-large aldermen shall be elected on even-numbered years and shall serve two years until their successors shall be elected and qualified.

(Code 2021, § 2-1; Ord. No.181, § 1, 10/15/1996)

##### **Section 2-2) Administrative Duties of Mayor**

The acting Mayor will be added to all City bank accounts as a person with authority to sign checks on all funds of the City of Glenaire. The Mayor will be officially designated by the most recent certified election result unless the Mayor leaves office mid-term; at which point the position will be designated by Board vote.

(Code 2021, § 2-2; Ord. No.334, § 1 & 2, 3/19/2009)

##### **Section 2-3) City Marshall and Volunteer Reserve Police Department**

- a. Section 79.050 R.S. Mo. provides for the election of a Chief of Police or Marshall for Cities of Fourth Class.
- b. The person elected to the Office of Marshall for the City of Glenaire, Missouri shall serve an honorary position only, without power to make or order arrests for offenses against the laws of the City or of the State nor shall said Marshall have any of the other duties and powers prescribed by law for said office.
- c. The City of Glenaire, Missouri will appoint the City Marshall, duly elected, as the Chief of Police for its volunteer reserve police department.
- d. The size of the reserve unit and number of officers appointed by the Board of Aldermen of the City will be established by the Board of Aldermen and may be adjusted at any time according to the needs of the City.

(Code 2021, § 2-3, ¶ a & b; Ord. No.156, 4/20/1993; ¶ c; Ord. No. 299, 3/9/2006)

#### *Article II* ADMINISTRATIVE POSITIONS, MUNICIPAL COURT

##### **Section 2-4) Municipal Court**

- a) There is hereby established in this City a municipal court, to be known as the "Glenaire Municipal Court, a Division of the 7th Judicial Circuit Court of the State of Missouri." This court is a continuation of the police court of the City as previously established and is termed herein "The Municipal Court". The jurisdiction of the municipal court shall extend to all cases involving alleged violations of the ordinances of the City.

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## CHAPTER 2 – ADMINISTRATION

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- b) The municipal court of the Village shall Be subject to the rules of the Circuit Court of which it is a part, and to the rules of the State Supreme Court. The municipal court shall be subject to the general administrative authority of the presiding judge of the Circuit Court, and the judge and court personnel of said court shall obey his directives.
- c) Any person charged with a violation of a municipal ordinance of this City shall be entitled to a trial by jury, as in prosecutions for misdemeanors before an associate circuit judge. Whenever a defendant accused of a violation of a municipal ordinance demands trial by jury, the municipal court shall certify the case to the presiding judge of the circuit court for reassignment, as provided in Section 2 of Section 517.520, Revised Statutes of Missouri.
- d) If in the progress of any trial before a municipal judge it shall appear to the judge that the accused ought to be put upon trial for an offense against the criminal laws of the State and not cognizable before him as municipal judge, he shall immediately stop all further proceedings before him as municipal judge and cause the complaint to be made before some associate circuit judge within the county.
- e) If in the opinion of the municipal judge the Village has no suitable and safe place of confinement, the municipal judge may commit the defendants to the county jail, and it shall be the duty of the Sheriff, if space for the prisoner is available in the county jail, upon receipt of a warrant of commitment from the judge to receive and safely keep such prisoner until discharged by due process of law. The municipality shall pay the board of such prisoner at the same rate as may now or hereafter be allowed to such Sheriff for the keeping of such prisoner in his custody. The same shall be taxed as costs.
- f) Any judge hearing violations of municipal ordinances may, when in his judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before said judge.
- g) The defendant shall have a right to a trial de novo, even from a plea of guilty, before a circuit judge or an associate circuit judge. Such application for a trial de novo shall be filed within ten days after the judgment and shall be in the form as provided by Supreme Court rules.
- h) In all cases in which a jury trial has been demanded, a record of the proceedings shall be made, and appeals may be had upon that record to the appropriate appellate court.
- i) In the case of a breach of any recognizance entered into before a municipal judge or an associate circuit judge hearing a municipal ordinance violation case, the same shall be deemed forfeited and the judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the municipality as plaintiff. Such action shall be prosecuted before a circuit judge or associate circuit judge, and in the event of cases caused to be prosecuted by a municipal judge, such shall be on the transcript of the proceedings before the municipal judge. All monies recovered in such actions shall be paid over to the municipal treasurer to the general revenue of the municipality.

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## CHAPTER 2 – ADMINISTRATION

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### **Section 2-5) Municipal Judge**

- (a) The judge of the Village's municipal court shall be known as a municipal judge of the 7th Judicial Circuit Court and shall be appointed to this position by the Board of Aldermen, for a term of two years. If for any reason a municipal judge vacates office, a successor shall complete that term of office, even if the same be for less than two (2) years.
- (b) The municipal judge shall vacate his office under the following circumstances:
  - (i) Upon removal from office by the State Commission on the Retirement, Removal and Discipline of Judges, as provided in Missouri Supreme Court Rule 12, or
  - (ii) Upon attaining his/her 75th birthday.
  - (iii) If judge should lose his license to practice law in the State of Missouri.
- (c) The municipal judge shall possess the following qualifications before taking office:
  - (i) must be a licensed attorney, qualified to practice law within the State of Missouri.
  - (ii) need not reside within the Village.
  - (iii) must be a resident of the State of Missouri.
  - (iv) must be between the ages of 21 and 75 years.
  - (v) may serve as municipal judge for any other municipality.
  - (vi) may not hold any other office within the Village government.
- (d) The municipal judge shall be considered holding a part-time position, and as such may accept (within the requirements of the Code of Judicial Conduct, Missouri Supreme Court Rule 2) other employment.
- (e) The municipal judge shall cause to be prepared within the first ten days of every month a report indicating the following: A list of all cases heard and tried before the court during the preceding month, giving in each case the name of the defendant, the fine imposed, if any, the amount of cost, the names of the defendants committed and in the cases where there was an application for trial de novo, respectively. The same shall be prepared under oath by the municipal court clerk or the municipal judge. This report will be filed with the Village Clerk, who shall thereafter forward the same to the Board of Trustees of the Village for examination at its first session thereafter. The municipal court shall, within the ten days after the first of the month, pay to the municipal treasurer, the full amount of all fines collected during the preceding months, if they have not previously been paid.
- (f) The municipal judge shall be a conservator of the peace. He shall keep a docket in which he shall enter every case commenced before him and the proceedings therein and he shall keep such other records as may be required. Such docket and records shall be records of the Circuit Court of Clay County. The municipal judge shall

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## CHAPTER 2 – ADMINISTRATION

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deliver the docket and records of the municipal court, and all books and papers pertaining to his office, to his successor in office or to the presiding judge of the Circuit.

- (g) The Municipal judge shall be and is hereby authorized to:
- i. Establish a Traffic Violations Bureau as provided for in the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and Section 479.050 of the Revised Statutes of Missouri.
  - ii. Administer oaths and enforce due obedience to all orders, rules and judgments made by him, and may fine or imprison for contempt committed before him while holding court, in the same manner and to the same extent as a circuit judge.
  - iii. Commute the terms of any sentence, stay execution of any fine or sentence, suspend any fine or sentence, and make such other orders as the municipal judge deems necessary relative to any matter that may be pending in the municipal court.
  - iv. Make and adopt such rules of practice and procedure as are necessary to implement and carry out the provisions of this chapter, and to make and adopt such rules of practice and procedure as are necessary to hear and decide matters pending before the municipal court and to implement and carry out the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts. Any and all rules made or adopted hereunder may be annulled or amended by an ordinance limited to such purpose; provided that such ordinance does not violate, or conflict with, the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts, or state statutes.
  - v. The municipal judge shall have such other powers, duties and privileges as are or may be prescribed by the laws of this state, this Code or other ordinances of this City.
- (h) All warrants issued by a municipal judge shall be directed to the City Marshal, Chief of Police, or any other police officer designated by the City, or to the Sheriff of the County. The warrant shall be executed by the Marshal, Chief of Police, Police Officer, or Sheriff any place within the limits of the county and not elsewhere unless the warrants are endorsed in the manner provided for warrants in criminal cases, and, when so endorsed, shall be served in other counties, as provided for in warrants in criminal cases.
- (i) The City Marshal, Chief of Police, or other police officers of the City may, without a warrant, make arrest of any person who commits an offense in his presence, but such officer shall, before the trial file a written complaint with the judge hearing violations of municipal ordinances.
- (j) Any person charged with a violation of a municipal ordinance of this City shall be entitled to a trial by jury, as in prosecutions for misdemeanors before an associate circuit judge. Whenever a defendant accused of a violation of a municipal ordinance demands trial by jury, the municipal court shall certify the case to the presiding judge of the circuit court for reassignment, as provided in Section 2 of Section 517.520, Revised Statutes of Missouri.
- (k) It shall be the duty of the municipal judge to summon all persons whose testimony may be deemed essential as witnesses at the trial, and to enforce their attendance by attachment, if necessary. The fees of witnesses shall be the same as those fixed for witnesses in trials before associate circuit judges and shall be taxed as other costs in the case. When a trial shall be continued by a municipal judge it shall not be necessary to summon any witnesses who may be present at the continuance; but the municipal judge shall orally notify such witnesses as



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## CHAPTER 2 – ADMINISTRATION

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either party may require to attend before him on the day set for trial to testify in this case, and enter the names of such witnesses on his docket, which oral notice shall be valid as a summons.

- (l) If in the progress of any trial before a municipal judge it shall appear to the judge that the accused ought to be put upon trial for an offense against the criminal laws of the State and not cognizable before him as municipal judge, he shall immediately stop all further proceedings before him as municipal judge and cause the complaint to be made before some associate circuit judge within the county.
- (m) If in the opinion of the municipal judge the City has no suitable and safe place of confinement, the municipal judge may commit the defendants to the county jail, and it shall be the duty of the Sheriff, if space for the prisoner is available in the county jail, upon receipt of a warrant of commitment from the judge to receive and safely keep such prisoner until discharged by due process of law. The municipality shall pay the board of such prisoner at the same rate as may now or hereafter be allowed to such Sheriff for the keeping of such prisoner in his custody. The same shall be taxed as costs.
- (n) Any judge hearing violations of municipal ordinances may, when in his judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before said judge.
- (o) The defendant shall have a right to a trial de novo, even from a plea of guilty, before a circuit judge or an associate circuit judge. Such application for a trial de novo shall be filed within ten days after the judgment and shall be in the form as provided by Supreme Court rules.
- (p) In all cases in which a jury trial has been demanded, a record of the proceedings shall be made, and appeals may be had upon that record to the appropriate appellate court.
- (q) In the case of a breach of any recognizance entered into before a municipal judge or an associate circuit judge hearing a municipal ordinance violation case, the same shall be deemed forfeited and the judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the municipality as plaintiff. Such action shall be prosecuted before a circuit judge or associate circuit judge, and in the event of cases caused to be prosecuted by a municipal judge, such shall be on the transcript of the proceedings before the municipal judge. All monies recovered in such actions shall be paid over to the municipal treasurer to the general revenue of the municipality.
- (r) A municipal judge shall be disqualified to hear any case in which he is in anywise interested, or, if before the trial is commenced, the defendant or the prosecutor files an affidavit that the defendant or the municipality, as the case may be, cannot have a fair and impartial trial by reason of the interest or prejudice of the judge. Neither the defendant nor the municipality shall be entitled to file more than one affidavit or disqualification in the same case!
- (s) If a municipal judge be absent, sick or disqualified from acting, the chairman of the Board of Trustees may designate some competent, eligible person to act as municipal judge until such absence or disqualification shall cease; provided, however, that should a vacancy occur in the office of an elected municipal judge more than six months before a general municipal election, then a special election shall be held to fill such vacancy; and in case

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## CHAPTER 2 – ADMINISTRATION

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of vacancy in the office of an elected municipal judge within less than six months of a general municipal election, the office may be filled by a competent, eligible person designated by the chairman of the Board of Trustees. The Board of Trustees shall provide by ordinance for the compensation of any person designated to act as municipal judge under' the provisions of this section.

(Code 2021, § 2-4 & 2-5; Ord. No.106, 5/2/1983)

### **Section 2-6) City Prosecutor**

It shall be the duty of an attorney designed by the City to prosecute the violations of the City's ordinances before the municipal judge or before any circuit judge hearing violations of the City's ordinances. The salary or fees of the attorney and his necessary expenses incurred in such prosecutions shall be paid by the City. The compensation of such attorney shall not be contingent upon the result in any case.

(Code 2021, § 2-6; Ord. No.106, 5/2/1983)

### **Section 2-7) City Collector**

- a) Per 95.360 R.S. Mo., the City Collector shall pay into the treasury, monthly, all moneys received by him from all sources which may be levied by law or ordinance; also, all licenses of every description authorized by law to be collected, and all moneys belonging, to the city which may come into his hands. He shall give such bond and perform such duties as by be required by ordinance.
- b) Per 79.310 R.S. Mo., the collector shall, annually at such times as may be designated by ordinance, make a detailed report to the board of aldermen, stating the various moneys collected by him during the year, and the amounts uncollected and the names of the persons from which he failed to collect and the causes therefor.

(Code 2021, § 2-7; Ord. No.174, 7/16/1996)

### **Section 2-8) City Clerk**

- (a) Duties, general. The City Clerk shall keep a journal of the proceedings of the Board of Aldermen; shall safely and properly keep all the records and papers belonging to the City which may be entrusted to said City Clerk's care; shall be the general accountant of the City; and is hereby empowered to administer official oaths and oaths to persons certifying to demands or claims against the City and such other duties as may be required of said City Clerk by the Board of Aldermen by Ordinance, Resolution or otherwise.
- (b) Duties related to Municipal Court. The Village Clerk is hereby designated as the Clerk of the Municipal Court. The duties of said clerk shall be as follows:
  - (i) To collect such fines for violations of such offenses as may be described, and the court costs thereof.
  - (ii) To take oaths and affirmations.
  - (iii) To accept complaints, and allow the same to be signed and sworn to or affirmed before him.

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## CHAPTER 2 – ADMINISTRATION

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- (iv) Sign and issue subpoenas requiring the attendance of witnesses and sign and issue subpoenas duces tecum.
- (v) Accept the appearance, waiver of trial and plea of guilty and payment of fine and costs in Traffic Violation Bureau cases or as directed by the municipal judge; generally act as Violation Clerk of the Traffic Violation Bureau.
- (vi) Perform all other duties as provided for by ordinance, by rules of Practice and Procedure adopted by the municipal judge and by the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and by statute.
- (vii) Maintain, properly certified by the Village Clerk, a complete copy of the ordinances of the Village of the municipality which shall constitute prima facie evidence of such ordinance before the court. Further, to maintain a similar certified copy on file with the clerk serving the Circuit Court of this county.

(Code 2021, § 2-8, ¶ a; Ord. No.157, 4/20/1993; ¶ b; Ord. No. 106, § 24, 5/2/1983)

### **Section 2-9) City Attorney**

(Reserved)

### *Article III* PRIVATE RENTAL OF GLENAIRE COMMUNITY BUILDING

#### **Section 2-10) Rental of the Glenaire Community Building**

The Board of Aldermen approve a Glenaire Community Building Rental Agreement, to be signed by individuals requesting to rent said building. The Mayor and City Clerk are authorized and directed to execute said contract on behalf of the City.

(Code 2021, § 2-10; Ord. No.229, 2/15/2000)

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## CHAPTER 2 – ADMINISTRATION

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Bill Number	Ordinance Number	Description of Ordinance	Date Enacted
99	101	Defining and Commissioning Police Department	7/11/1981
104	106	Establishment of Municipal Court in Division 7	5/2/1983
154	156	Duties of the Marshall	4/20/1993
155	157	City Clerk Appointment	4/20/1993
172	174	City Collector (Hamilton)	7/16/1996
179	181	General Election Information pertaining to City	10/15/1996
227	229	Clubhouse Rental Agreements	2/15/2000
297	299	Volunteer Reserve Police Department	3/9/2006
332	334	Authorize Mayor to Sign on All City Bank Accounts	3/21/2009

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## CHAPTER 3 – ANIMALS AND FOWL

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### CHAPTER 3 ANIMALS AND FOWL<sup>3</sup>

#### *Article I* IN GENERAL

##### **Section 3-1) Definitions**

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

Domestic animal: An animal of a tamed species commonly kept as pets and includes livestock

Dog: A domestic animal of the species Canis familiaris over the age of four months.

Cat: A domestic animal of the species Felis domesticus over the age of four months.

Spayed Dog or Cat: A female Canis familiaris or female Felis domesticus certified by a licensed veterinarian as having been rendered sterile by removal of her ovaries.

Neutered Dog or Cat: A male Canis familiaris or male Felis domesticus certified by a licensed veterinarian as having been rendered sterile by castration.

Animal control officer: Any person employed or appointed by the City who is authorized to investigate and enforce violations relating to animal control or cruelty under the provision of this Ordinance.

Animal Shelter: Any facility designated or recognized by the Trustees of The City of Glenaire as a place of impoundment for animals.

Director: The Marshal of the City of Glenaire.

Owner: Any person, partnership, or corporation having a right of property in an animal, or who keeps or harbors a dog, or who has it in his care, or acts as its custodian, or who knowingly permits a dog to remain on any premises occupied by him or her.

Restraint: An animal shall be deemed to be under restraint when (1) On a leash or lead of ten feet or less in length secured in the hands of the animal owner or any other person with the knowledge and consent of the animal owner (2) On a leash or lead firmly attached to a stationary object which confines the animal within the real property limits of the owner or the real property limits of any other person with the knowledge and permission of both the animal owner and the property owner (3) Confined to an enclosed space within the real property limits of the animal owner or within the real property limits of any other person with the knowledge and consent of both the animal owner and the property owner (4) Confined within an enclosed moving vehicle.

At Large: Not under one of the foregoing restraints.

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<sup>3</sup>State law reference(s)—Authority to regulate animals, RSMo § 79.400; restraint of animals running at large, RSMo § 270.010 et seq.; stray animals, RSMo § 271.010 et seq.; local animal fencing and enclosures, RSMo § 272.210 et seq.; dogs and cats, RSMo § 273.010 et seq.; adoption of animals from shelters, RSMo § 273.405 et seq.; animal neglect or abandonment, RSMo § 578.009; animal abuse, RSMo § 578.012.

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**Stray Dog or Cat:** Any dog or cat found to be at large, and not wearing current license and/or rabies tags whose owner is not known and not immediately discernable.

**Dangerous dog:** Any dog that has caused a bite injury and is not a vicious dog.

**Vicious Animal:** (1) Any animal including any dog or cat that constitutes a physical threat to humans or other domestic animals (2) Any animal customarily bred for fighting other animals (3) Exotic predatory animals.

**Vicious dog:** A dog that without provocation or justification bites or attacks a person and causes serious physical injury or death or is declared vicious under this title.

**Rabies:** A viral disease of warm-blooded animals also known as hydrophobia.

**Exposed to Rabies:** An animal is considered to have been exposed to rabies if it has been bitten by any other animal known or reasonably suspected to be infected with rabies.

**Bitten:** Seized with the teeth of an animal so that the skin of the person or animal seized has been pierced, broken, or scratched in such a manner that probable contact of the saliva of the biting animal and the break or abrasion of the skin has occurred. This term shall also include contact of the saliva of the biting animal with any mucous membrane of the person or animal attacked.

**Bite injury:** Any contact between an animal's mouth and teeth and the skin of a bite victim which causes visible trauma, such as a puncture wound, laceration, or other piercing of the skin.

**Vaccination for Rabies:** The inoculation of a dog or cat with a rabies vaccine licensed for the species, recommended in the Compendium of Animal Rabies Vaccines, and administered by a licensed veterinarian.

**City:** The City of Glenaire, Clay County, Missouri.

**Shall:** As used in this ordinance the word shall is mandatory and not discretionary.

**Enclosure:** A fenced or walled area having a fence or wall height of at least six (6) feet suitable to prevent the entry of young children and suitable to confine a dog.

**Impoundment:** Seizing and confining a dog by any police officer, animal control officer or any other public officer under the provisions of this Ordinance.

**Muzzle:** A device constructed of strong, soft material or of metal, designed to fasten over the mouth of a dog that prevents the dog from biting any person or other animal and that does not interfere with its respiration.

**Potentially dangerous dog:** A dog that while *at large*: (1) behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of serious physical injury or death to a person or *domestic animal*, or (2) causes injury to a *domestic animal*.

**Provocation:** Any action or activity, whether intentional or unintentional, which would be reasonably expected to cause a normal dog in similar circumstances to react in a manner similar to that shown by the evidence.

**Sanitary condition:** A condition of good order and cleanliness to minimize the possibility of disease transmission.

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Serious physical injury: Disfigurement, protracted impairment of health, or impairment of the function of any bodily organ.

(Code 2021, § 3-1; Ord. No.124, § 1 5/26/1986; Ord. No. 438, § 4-203, 8/17/2021)

### **Section 3-2) Enforcement of Chapter**

- (a) The provisions of this chapter shall be enforced by the Department of Police and the section of animal control of such department or by officers authorized by the City Board of Aldermen.
- (b) No person shall interfere with, hinder, harass, or molest any Animal Control Officer in the performance of any duties necessary to enforce the provisions of any part of this chapter. Any person engaging in any of the above actions shall be guilty of a misdemeanor.

(Code 2021, § 3-2; Ord. No.124, § 5 5/26/1986)

### **Section 3-3) Number of Cats, Dogs and Chickens Allowed per Dwelling**

No more than three (3) cats, three (3) dogs, or any combination thereof, over the age of six (6) months or any dangerous or vicious animal shall be allowed to be housed within the city limits of the City of Glenaire at any one dwelling unit.

For single-family residential lots smaller than thirty thousand (30,000) square foot in area, or larger lots which cannot satisfy the setbacks outlined in Section 7 of the Zoning Ordinance of the City,

Up to six (6) female chickens (hens) may be kept in accordance with the following provisions:

- (a) All hens must have access to a covered enclosure (or coop) that allows for the housing of the hens. In addition, all coops must have direct access to an enclosed run area. All coops and runs shall be located in the rear yard and be designed in a manner to minimize their visual impact. All coops and runs shall be at least ten (10) feet from any property line and at least thirty (30) feet from any other residential structure.
- (b) The keeping of roosters and guinea hens, or any fowl other than female chickens, is prohibited.
- (c) At all times, hens shall either be kept in a coop or a run as defined above.
- (d) All feed and other items associated with the keeping of hens shall be kept clean and sanitary at all times and be protected so as to prevent the infestation of rats, mice, or other rodents.
- (e) The hens are not raised for the purpose of slaughtering.

(Code 2021, § 3-3; Ord. No.431, § 1 3/17/2020)

### **Section 3-4) Care of Animals**

The owner of any animal shall provide it with (1) adequate shelter from heat, cold, rain, snow, sun, and wind (2) sufficient food and fresh water to keep the animal well-nourished (3) adequate medical attention for any diseases or ailments.

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### **Section 3-5) Cruelty to Animals**

No person shall torment, beat, torture, kill, or abandon any animal in The City of Glenaire.

(Code 2021, § 3-4 & 3-5; Ord. No.124, § 2 5/26/1986)

### *Article II RABIES*

#### **Section 3-6) Rabies Protection**

Every dog or cat over the age of four months kept or harbored within The City of Glenaire shall be continuously protected against rabies by vaccination. Each dog or cat maintained within the limits of the Village shall have a durable numbered tag issued by a licensed veterinarian which shall be securely attached to the animals' collar or harness. The collar or harness with the rabies tag attached must be worn whenever the animal is outside of an enclosed structure, whether on or off the owner's property.

#### **Section 3-7) Exposure to Rabies; Animal Bites**

A dog or cat exposed to rabies or any animal that has bitten any person or another domestic animal shall be immediately confined by the owner who shall promptly notify the Animal Control Officer. The owner shall surrender such animal for quarantine in an animal shelter or licensed veterinary hospital. The cat or dog shall be quarantined for a minimum of ten (10) days after which it may be released to the owner, if in the opinion of a licensed veterinarian, it has shown no symptoms of having rabies. The owner shall be responsible for all costs incurred for isolation of their animal in an animal shelter or veterinary hospital.

#### **Section 3-8) Dogs or Cats Bitten by Rabid Animal**

In the case of animals known to have been bitten by an animal proven or strongly suspected of being rabid, the following regulations shall apply.

- (1) Dogs or cats not having current protection against rabies by reason of timely vaccination and which are known to have been bitten by an animal proven or strongly suspected of being rabid shall be quarantined immediately in an animal shelter or a licensed veterinary hospital. Upon verification that the biting animal tests positively for rabies the bitten animal shall be euthanized in a humane manner.

If the owner of the bitten animal is unwilling to have the animal euthanized, such animal must be kept in strict isolation in a licensed veterinary hospital for a period of at least six (6) months. The owner must agree in writing to pay all expenses incurred during the quarantine period. The owner absolutely may not quarantine the bitten animal within The City of Glenaire.

- (2) Dogs or cats having current protection against rabies by reason of timely vaccination and which are known to have been bitten by an animal proven or strongly suspected of being rabid shall immediately be revaccinated and confined in a licensed veterinary hospital for a minimum of sixty (60) days.

If the biting animal tests positively for rabies, and if the bitten dog or cat is not immediately revaccinated, it shall be confined in strict isolation in a licensed veterinary hospital for a minimum of six (6) months. The owner must agree in writing to pay all expenses incurred during either quarantine period. The owner absolutely may not quarantine the bitten animal within The City of Glenaire.



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### **Section 3-9) Disposition of Diseased Animals**

If an animal which has been impounded due to exposure to rabies or because of biting or attacking a person or another domestic animal should test positively for rabies or exhibit definite symptoms of rabies, such animal shall be euthanized immediately in a humane manner.

Otherwise, no person shall kill a rabid animal or an animal exposed to rabies unless it is necessary to prevent that animal from escaping or from biting another animal or a person.

The body of an animal which has been exposed to rabies prior to death shall be taken to a licensed veterinary hospital for removal of the head. The head of the animal shall be delivered to the Missouri Division of Health, Jefferson City, Missouri, for examination.

(Code 2021, § 3-6 through 3-9; Ord. No.124, § 3 5/26/1986)

## **ARTICLE III LICENSE, TAGS, RESTRAINT**

### **Section 3-10) Animal Licenses**

Any dog or cat over the age of four months maintained within the City limits shall be required to be licensed as provided in this section. The licensing provisions of this section shall not apply to non-residents until they have kept a dog or cat within the City limits for over thirty (30) days. Any owner of a dog or cat which is lawfully required to be licensed, but remains unlicensed, shall be deemed guilty of a misdemeanor.

### **Section 3-11) License Application**

Written application for a cat or dog license shall be made at the City Office or to the City Clerk on the official form provided for that purpose. The written application must be accompanied by a signed certificate of vaccination for rabies issued by a licensed veterinarian, effective no more than one year prior to the date of application.

### **Section 3-12) License Fees**

The annual license fees shall be \$3.00 for neutered or spayed dogs or cats; \$5.00 for an unneutered male dog or cat; and \$7.50 for an unspayed female dog or cat. License fees shall be waived for dogs serving the blind.

### **Section 3-13) License Sales**

Licenses shall be offered for sale by the City Clerk on and after June 1st of each year for dogs and cats maintained in the City at that time. As soon as practicable after June 1st of each year the City Clerk shall arrange a general registration day at which time a veterinarian will be present to provide inoculations. Dog and cat owners have thirty days after the general registration day to apply for a cat or dog license without penalty but beginning on the thirty-first day a penalty of fifty percent of the applicable license fee may be charged.

Dogs or cats reaching the age of four months or those acquired after the general registration date shall be licensed at a rate prorated to the nearest quarter-year. A fifty per-cent penalty may be added thirty-one days after the date that the license should have been procured.

### **Section 3-14) Issuance of License Tags**

The City Clerk shall issue a receipt and a numbered metallic tag for each dog and cat licensed. Every dog and cat owner shall provide a collar or harness to be kept on the animal at all times when it is not in a private building. The license tag shall be securely affixed to the collar or harness in such a manner that it may be easily seen. The City

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Clerk shall maintain records of dog and cat license receipts and tags for a period of three years from the date of issuance.

A current dog or cat license may be transferred to a new owner by payment of a fee of \$2.00. A lost license tag may be replaced by application to the City Clerk and payment of a fee of \$2.00.

### **Section 3-15) Restraint**

Dog and cat owners shall keep their animals under restraint at all times (see definitions). The owner shall further confine any female dog or cat in heat within a building in such a manner that the animal is inaccessible to male animals of the same species except for planned breeding and will not attract male animals of the same species to the area.

### **Section 3-16) Nuisances**

A dog or cat shall be considered a nuisance if it (1) damages private property other than the owners (2) defecates on any property other than the owners causing unsanitary and offensive conditions (3) causes a disturbance by excessive barking, howling, or other noisemaking (4) molests trash placed on private property for collection (5) chases vehicles or (6) attacks, menaces, or interferes with persons or other domestic animals. No owner shall keep, possess or harbor any dog or cat considered to be a nuisance.

### **Section 3-17) Impoundment**

Dogs or cats not licensed, found not under restraint or stray or abandoned animals may be picked up by the Animal Control Officer. If the owner of the dog or cat can be identified, and located, they shall be notified and the cat or dog returned to them, provided, that the Animal Control Officer shall issue any citation(s) which are appropriate under the circumstances.

A dog or cat whose owner cannot be identified and/or located may be impounded by the Animal Control Officer in an animal shelter authorized by the Board of Aldermen.

The owner of an unlicensed cat or dog will not be permitted to redeem that animal from impoundment until a license has been obtained. If licensing would require vaccination for rabies, the City Clerk may issue a license prior to vaccination upon the written agreement of the owner to provide a certificate of vaccination for rabies issued by a licensed veterinarian within ninety-six (96) hours of the date and time of issuance of the license. Failure to provide valid proof of vaccination within the time specified shall cause the animal owner to be deemed guilty of a misdemeanor.

An owner redeeming a cat or dog from impoundment shall pay, prior to release of the animal, an impoundment fee of \$15.00 plus a boarding fee of \$5.00 for each 24-hour period or fraction thereof that the animal has been impounded. These fees may be adjusted from time to time as may be necessary. Payment of impoundment, boarding, and license fees does not relieve the owner of the impounded animal of responsibility for any fines which may be assessed for violations of various sections of this ordinance.

A dog or cat not redeemed by the owner within five (5) days of the date of impoundment may be disposed of by the Animal Control Officer in one of the following ways and no other: (1) Euthanasia, using a method approved by the Humane Society of The United States or (2) release for adoption by a new owner who shows evidence of the intention and ability to provide the animal with a decent home and humane care.

(Code 2021, § 3-10 through 3-17; Ord. No.124, § 4 5/26/1986

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### *Article IV*      DANGEROUS DOGS

#### **Section 3-18) Authorization**

This Article is enacted pursuant to the general police power, the authorities granted to cities and towns by the Missouri Constitution and the Missouri Legislature.

#### **Section 3-19) Purpose and Intent**

The purposes of this Article are to promote the public health, safety, and general welfare of the citizens of the City of Glenaire.

#### **Section 3-20) Determination of Status**

- (a) The animal control officer may find and declare a dog potentially dangerous, dangerous, or vicious if the officer has probable cause to believe that the dog falls within the definition of “vicious dog”, “dangerous dog” or “potentially dangerous dog”. The finding must be based upon:
- (i) The written complaint of a person who is willing to testify that the animal has acted in a manner which causes it to fall within the definition of “vicious dog”, “dangerous dog” or “potentially dangerous dog”;
  - (ii) Dog bite reports filed with an animal control officer as required by ordinance or state law; or
  - (iii) Actions of the dog witnessed by any animal control officer or law enforcement officer; or
  - (iv) Other substantial evidence admissible in court.
- (b) The declaration shall be in writing, and shall be served by an animal control officer:
- (i) On the owner if known using one of the following methods:
    1. Regular mail to the owner’s last known address, or by certified mail directed to the owner at the owner’s last known address; or
    2. Personally; or
    3. If the owner cannot be located by one of the first two methods, by publication in a newspaper of general circulation and posting a notice on the property of the owner;

Where the owner is not known publication in a newspaper of general circulation.
- (c) The declaration shall contain the following information:
- (ii) Name and address of the owner of the dog if known and if not known that fact.
  - (iii) A description of the dog.
  - (iv) Whereabouts of the dog.
  - (v) Facts upon which the declaration is based.
  - (vi) Restrictions placed upon the dog and when the owner is not known the intended disposition of the dog.
  - (vii) Penalties for violation of the restrictions, including possibility of destruction of the animal and fine and imprisonment of owner.
  - (viii) Availability of a hearing to contest the declaration by submitting a written request to the Board of Appeals within fifteen days of receipt of the declaration or if notice is given by publication or posting within 15 days of the earlier of the date the notice first appears in the newspaper or the property is posted.
- (d) A dog may be declared dangerous under this section if the dog has within a twelve-month period attacked and killed a domestic animal on more than one occasion. For purposes of this subsection only, a domestic animal does

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not include any feral animal or does not apply where the attack was upon a domestic animal that was at large or upon a domestic animal that was tormenting or attacking the dog.

(e) Dogs shall not be declared dangerous, potentially dangerous or vicious if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, provoking or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, provoked or assaulted the dog or was committing or attempting to commit a crime.

(f) Notice. When notice is given by regular mail to the owner's last known address, notice is effective on the third day after the notice was placed in the mail, postage prepaid, to the owner's last known address. When notice is given by certified mail, notice is effective when received; provided however, if certified mail delivery has been refused, notice is effective by publication or posting and whenever notice is accomplished by publication or posting the notice is effective and deemed received on the earlier of the day the property is posted or the newspaper is published.

### **Section 3-21) Potentially Dangerous Dogs**

- (a) No person shall maintain a potentially dangerous dog without a license or otherwise in violation of this section.
- (b) No person owning, harboring or having the care or custody of a potentially dangerous dog shall permit the dog to go at large or leave the owner's property unless the dog is securely leashed and muzzled.
- (c) Spaying/Neutering. All owners of potentially dangerous dogs must spay or neuter the dog and provide proof of sterilization to the Marshal within 14 days of the animal control officer declaring the dog potentially dangerous.
- (d) In addition to any other penalty for a violation of this section, a court may revoke the authority of a person to keep a potentially dangerous dog within the city.
- (e) The owner of a potentially dangerous dog may apply to the Marshal to have the declaration waived after two (2) years upon meeting the following conditions:
  - (i) The owner and offending dog has no subsequent violations of this Chapter of the Code; and
  - (ii) The owner of the dog has complied with all the provisions of this act for a period of two (2) years; and
  - (iii) The owner provides proof to the Marshal of successful completion of a behavior modification program administered by a Certified Pet Dog Trainer (CPDT), Certified Dog Behavior Consultant (CDBC), or Veterinary Behaviorist, certified through the American College of Veterinary Behaviorists (ACVB) or equivalent training.

If the Marshal finds sufficient evidence that the dog owner has complied with all conditions in this subsection, the application shall be forwarded to the Court to rescind the potentially dangerous dog declaration.

### **Section 3-22) Dangerous Dogs**

- (a) No person shall maintain a dangerous dog in violation of this section.
- (b) Keeping of a Dangerous Dog. Once a dog has been declared dangerous, it shall be kept in a secure enclosure subject to the following requirements:
  - (i) Leash. No person having charge, custody, control, or possession of a dangerous dog shall allow the dog to exit its enclosure unless such dog is securely attached to a leash not more than four (4) feet in length and walked by a person who is both over the age of eighteen and who has the physical ability to restrain the

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dog at all times. No owner shall keep or permit a dangerous dog to be kept on a chain, rope or other type of leash outside its enclosure unless a person capable of controlling the dog is in physical control of the leash.

- (ii) Muzzle. It shall be unlawful for any owner or keeper of a dangerous dog to allow the dog to be outside of its proper enclosure unless it is necessary for the dog to receive veterinary care or exercise. In such cases, the dog shall wear a properly fitted muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with the dog's breathing or vision.
- (iii) Confinement. Except when leashed and muzzled as provided in this Section, a dangerous dog shall be securely confined in a residence or confined in a locked pen or other secure enclosure that is suitable to prevent the entry of children and is designed to prevent the dog from escaping. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light, and ventilation. The enclosed structure shall be kept in a clean and sanitary condition and shall meet the following requirements:
  - (1) The structure must have secure sides and a secure top, or all sides must be at least six (6) feet high;
  - (2) The structure must have a bottom permanently attached to the sides or the sides must be embedded not less than one (1) foot into the ground; and
  - (3) The structure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own.
    - (i) Indoor Confinement. No dangerous dog shall be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog shall be kept in a house or structure when the windows or screen doors are the only obstacle preventing the dog from exiting the structure.
    - (ii) Signs. All owners, keepers, or harborers of dangerous dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog."
    - (iii) Liability Insurance, Surety Bond. Subject to judicial discretion, the owner of a dangerous dog may be required to present to the Department of Animal Control proof that he has procured liability insurance or a surety bond in the amount of not less than one hundred thousand dollars (\$100,000) covering any damage or injury that may be caused by such dangerous dog. The policy shall contain a provision requiring that the City be notified immediately by the agent issuing it if the insurance policy is canceled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a dangerous dog. The dog owner shall sign a statement attesting that he shall maintain and not voluntarily cancel the liability insurance policy during the twelve (12) month period for which a permit is sought, unless he ceases to own or keep the dog prior to the expiration date of the permit period.
    - (iv) Identification Photographs. All owners, keepers, or harborers of dangerous dogs must within ten (10) days of determination provide to the Animal Control two color photographs of the registered dog clearly showing the color and approximate size of the dog.

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- (v) Microchip. All owners, keepers or harborers of dangerous dogs must within ten (10) days of determination microchip the dog and provide microchip information to the Marshal to register the dog as dangerous.
- (vi) Spaying/Neutering. All owners, keepers or harborers of dangerous dogs must within ten (10) days of determination spay or neuter the dog and provide proof of sterilization to the Marshal.
- (vii) Sale or Transfer of Ownership Prohibited. Sale - No person shall sell, barter or in any other way dispose of a dangerous dog registered with the City to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog, provided that the owner of a dangerous dog may sell or otherwise dispose of a registered dog to persons who do not reside within the city. Owner must disclose dog's status as a dangerous dog to anyone to whom the owner transfers custody or care of the dog.
- (viii) Notification of Escape. The owner or keeper of a dangerous dog shall notify the Department of Animal Control immediately if such dog escapes from its enclosure or restraint and is at large. Such immediate notification shall also be required if the dog bites or attacks a person or domestic animal.
- (ix) Failure to Comply. It shall be a separate offense to fail to comply with the restrictions in this section. Any dog found to be in violation of this Section shall be subject to immediate seizure and impoundment pursuant to 4-208. In addition, failure to comply with the requirements and conditions set forth in this Ordinance shall result in the revocation of the dog's license and the permit providing for the keeping of such dog.
- (b) A dangerous dog owner may apply to the Marshal to have the declaration waived after three (3) years upon meeting the following conditions:
  - (i) The owner and offending dog has no subsequent violations of this Chapter of the Code; and
  - (ii) The owner of the dog has complied with all the provisions of this act for a period of three (3) years; and
  - (iii) The owner provides proof to the Marshal of successful completion of a behavior modification program administered by a Certified Pet Dog Trainer (CPDT), Certified Dog Behavior Consultant (CDBC), or Veterinary Behaviorist, certified through the American College of Veterinary Behaviorists (ACVB) or equivalent training.

If the Marshal finds sufficient evidence that the dog has complied with all conditions in this subsection and has sufficient evidence that the dog's behavior has changed, the application shall be forwarded to the Court to rescind the dangerous dog declaration.

### **Section 3-23) Vicious Dogs**

It shall be unlawful to keep, possess, or harbor a vicious dog within the city limits.

- (a) The provisions of this article shall not apply to a police dog being used to assist one or more Law Enforcement Officers acting in an official capacity

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- (b) The Marshal of the City of Glenaire may order a dog euthanized that has been declared vicious.
- (c) The owner of a dog that the Marshal declares to be vicious may appeal that determination to the Board of Aldermen within 15 days of the declaration. If an appeal is timely filed, the order to destroy the animal is suspended pending the final determination of the Board except when the Marshal declares that public health and safety require the immediate destruction of the animal as in the case of rabies.
- (d) The owner of a vicious dog shall be liable for and shall pay all costs associated with impoundment, removal, or euthanasia of said animal. The owner shall pay any other associated costs incurred.

### **Section 3-24) Immediate Impoundment**

- (a) A dog suspected of being dangerous or vicious may be immediately impounded when the Marshal or the Marshal's designee determines such immediate impoundment is necessary for the protection of public health or safety.
- (b) If the owner of the dog impounded under subsection (a) of this section is not reasonably ascertainable at the time of impoundment, the Marshal shall immediately notify the owner by mail sent to the owner's last known address postage prepaid which upon the passage of three days be deemed complete or by personal service within five (5) business days after the dog's impoundment.
- (c) The notice of impoundment shall inform the owner of the dog that the owner may request, in writing, a hearing to contest the impoundment. Upon receipt of the notice of impoundment either through personal service or by mail (receipt is complete three days after mailing to the last known address of owner postage prepaid), the owner has 5 business days to request a hearing by serving the Marshal a written request for the hearing.
- (d) Upon request by the owner of the dog for a hearing under subsection (c), a hearing must be held within ten (10) business days after receipt of the request. Notice of the date, time and location of the hearing shall be provided by regular mail to the dog owner requesting the hearing. The impoundment hearing shall determine if the dog poses a risk to public health and safety [insert here the appropriate standard: preponderance of the evidence; clear and convincing evidence; or beyond a reasonable doubt] or if the dog could be released. If the trier of fact determines the dog does not pose a risk to public health and safety, the dog shall be immediately released back to the owner pending further proceedings either administrative or judicial.
- (e) The owner must pay all of the cost of the impoundment and upon request must post sufficient funds to cover the anticipated costs for continued impoundment. In the alternative, the owner may propose a suitable facility where the dog could be contained and maintained at the sole cost of the owner and upon approval of the Marshal, the dog may be impounded at that facility under the terms and conditions set by the Marshal. Failure to post funds sufficient to pay for the costs of impoundment constitutes a waiver of any rights the owner may have to a hearing under this Section.
- (f) If the owner timely appeals an impoundment or seizure, the owner may also seek review of the Marshal's determination of boarding costs by filing an appeal with the Board of Appeals within 5 days after the Marshal issues a demand for prepayment. The Board or a designee, must review the Marshal's decision within 2 business days after receiving the appeal. The owner must provide the Board with information sufficient to show that requiring prepayment of boarding costs would be a serious financial hardship on the owner. The Board may ask the owner to provide additional information at an informal hearing conducted in person or by telephone. The Marshal must not require the owner to prepay any boarding costs pending the Board's decision. The Board may

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make any decision the Marshal could have made such as requiring the owner to prepay boarding costs retroactive to the initial boarding date of the animal, posting a bond, or placing the animal in a suitable facility at the owner's sole expense. The owner may ask the Board to review the Marshal's decision regarding prepayment of boarding costs as part of its review of the underlying appeal.

- (g) If the owner is successful in appealing the decision to impound the dog, the Marshal must refund to the owner any costs paid for the impoundment.

### **Section 3-25) Continuation of Dangerous Dog Declaration**

Any dog that has been declared dangerous or vicious by any agency or department of this City, another municipality, county, or state shall be subject to the provisions of this Ordinance. The person owning or having custody of any dog designated as potentially dangerous or dangerous by any municipality, county, or state government shall notify the Department of Animal Control of the dog's address and conditions of maintenance within ten (10) days of moving the animal into the City of Glenaire. The restrictions and conditions of maintenance of any dog declared dangerous by this City, another municipality, county, or state shall remain in force while the dog remains in the City. No dog declared a potentially dangerous, dangerous, or vicious dog by any other designation agency or department of another municipality, county, or state based solely on size, breed, mix of breeds, or appearance shall be subject to this Article.

### **Section 3-26) Reckless Dog Owner**

- (a) Any person convicted of:
- (i) a violation of the City of Glenaire Code of Ordinances Chapter on Animals three (3) or more times in a 24 (twenty-four) month period; or
  - (ii) a violation of this Article two (2) or more times in any five-year period, shall be declared a reckless dog owner.
- (b) The Marshal shall issue a notification of the declaration of Reckless Dog Owner to the person with the following:
- (i) name and address of the person subject to the declaration, and;
  - (ii) the description, violation, and conviction that led to the declaration, and;
  - (iii) the name, description, and license number of all dogs subject to the effects of the declaration, and;
  - (iv) (iv) instructions on appealing the declaration to the Board of Appeals.
- (c) Once declared a reckless dog owner, the city licenses of all dogs owned by the person shall be revoked, and the person shall not own, keep, possess, or harbor a dog for a period of 5 (five) full years from the date of the declaration.
- (d) A person declared to be a reckless dog owner may apply to the Marshal to have the declaration waived after two (2) years upon meeting the following conditions:
- (i) The person has no subsequent violations of this Chapter of the Code; and
  - (ii) The person has complied with all the provisions of this act for a period of two (2) years; and
  - (iii) The person provides proof to the Marshal of successful completion of a program designed to improve the person's understanding of dog ownership responsibilities and based upon an interview with the Marshal establishes that understanding.

If the Marshal finds sufficient evidence that the person has complied with all conditions in this subsection, the Marshal may rescind the reckless owner declaration subject to conditions that can help to ensure no future



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## CHAPTER 3 – ANIMALS AND FOWL

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violations. If the Marshal declines to remove the declaration, the person aggrieved may appeal to the Board of Appeals within 30 days of that decision.

Upon appeal, the person must provide clear and convincing proof that ownership of a dog in the future will be handled responsibly and not in violation of any law or ordinance.

### **Section 3-27) Penalties and Appeals related to this Article**

- (a) **Penalties.** Any person violating this Article shall, upon conviction, be punished by a fine of not less than \$50.00 nor more than \$500.00, by imprisonment in the county jail for a term not to exceed 180 days, or by both such fine and imprisonment. In addition to such fine and imprisonment a court may order restitution be paid to any person injured as a result of the violation up to the maximum amount allowed by law.
- (b) **Appeals.** Any person aggrieved by a decision of the Marshal to declare a dog potentially dangerous, dangerous or vicious, or to declare a person a reckless dog owner, or to impound a dog, or to have a dog euthanized may appeal the decision to the Board of Aldermen within 30 days of the decision unless a different period is provided under this Title. A person aggrieved by a decision of the Board of Aldermen may appeal that decision to the courts in accordance with and pursuant to state law and the rules of court.
- (c) If the Marshall orders a dog to be euthanized for public health or safety reasons other than for rabies, the owner may immediately appeal that decision to the courts and upon a showing of good cause the court may suspend the order to euthanize the dog until the appeal is finally resolved.

### **Section 3-28) Conflicting Ordinances related to this Article**

All other ordinances of the City of Glenaire that conflict with this Article are hereby repealed to the extent of such conflict.

(Code 2021, § 3-18 through 3-28; Ord. No. 438, § 4-201 – 4-214, 8/19/2021)

## *Article V* DEER

### **Section 3-29) Supplemental Feeding of Deer Prohibited**

The feeding of white-tailed deer within the City limits, which feeding results in the deposit of refuse, debris, fecal matter or other offensive substance or in the attraction of wildlife, creating the prejudice or annoyance of any person, unless otherwise permitted by law, is prohibited.

No person shall deposit, place, distribute or leave any food, of any kind or nature, with the intent to feed white-tailed deer on public or private lands within the City of Glenaire.

The provisions of this ordinance shall not apply to any resident or agent of the City authorized to implement a wildlife management program and who possesses the necessary permits from the Missouri Department of Conservation, nor shall it apply to any public officer or public employee in the performance of his or her duties. The provisions of this Ordinance shall not apply to the feeding of domestic animals.

(Code 2021, § 3-29; Ord. No. 328, § 1-3, 10/21/2008)

### **Section 3-30) Fines for Failure to Comply**

Any person who shall violate or fail to comply with the provisions of the preceding Section may, upon conviction, be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or confinement not to exceed ninety (90) days, or

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both. For the first offense under this Ordinance the minimum fine assessed shall be Seventy Five Dollars (\$75.00) and for any subsequent offense the minimum fine assessed shall be Two Hundred Fifty Dollars (\$250.00). Each act in which a person violates this Ordinance shall be considered a separate incident and may be punished as a separate occurrence.

(Code 2021, § 3-30; Ord. No. 381, § 1, 2/19/2013, Amended Ord. No. 328, § 4, 11/13/1984)

### Section 3-31) Penalties

- (a) Any person violating any portion of this Chapter not otherwise specified shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than \$1.00 nor more than FIVE HUNDRED DOLLARS (\$500.00) or by imprisonment not to exceed ninety (90) days, or both such fine and imprisonment; provided, however, that each day such violation shall continue shall constitute a separate offense.
- (b) Penalty for Violation of Number of Cats, Dogs, or Chickens: Any person who shall violate or fail to comply with the provisions of this Chapter regarding number of cats, dogs or chickens may, upon conviction, be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or confinement not to exceed ninety (90) days, or both. For the first offense under this Ordinance the minimum fine assessed shall be Seventy-Five Dollars (\$75.00) and for any subsequent offense the minimum fine assessed shall be Two Hundred Fifty Dollars (\$250.00). Each act in which a person violates this Ordinance shall be considered a separate incident and may be punished as a separate occurrence.

(Code 2021, § 3-32 ¶(a); Ord. No. 124, § 5, 5/26/1986; ¶(b); Ord. No 431, § 2, 3/17/2020)

Bill #	Ord #	Description	Date Enacted
122	124	Repeal of Ords 82 and 114	5/20/1986
112	114	Animal Licensing/Impoundment/Restraint/Disposition	5/31/1984
81	82	Dog and Cat Licenses, Restraints, etc.	4/3/1976
15	14	Licensing and vaccination of dogs	5/17/1954
436	438	Ordinance Regulating Dangerous Dogs	8/19/21
429	431	Number of chickens, cats and dogs	3/17/2021
379	381	Amend Fine Amounts on Ordinance # 328 on Supplemental Feeding of Deer	2/19/2013
326	328	Prohibition of Supplemental Deer Feeding	10/21/2008

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## CHAPTER 4 – BUILDINGS

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### CHAPTER 4 BUILDINGS

#### *Article I* IN GENERAL

##### **Section 4-1) Introduction**

The following regulations are provided to assist property owners and contractors with the orderly construction of residential structures and accessory buildings, in keeping with the provisions of the Clay County Building Codes, and Land Development Code. Please read these regulations carefully and understand that it is **summarized** in the interest of simplicity. Not all regulations are listed, please refer to the following publications for any questions.

On September 10, 2012 the County Commission of Clay County adopted: the 2012 International Building Code and the 2012 International Residential Code, the 2012 International Plumbing Code; the 2012 International Fire Code; the 2011 National Electric Code and the 2012 International Mechanical Code. The City of Glenaire hereby accepts those as applying within the City.

**\*Please refer to 2012-ORD-24 Building and Construction Ordinance of Clay County for all changes in Residential Construction Codes.**

##### **Section 4-2) General Requirements, Permits and Fees, Lot Size**

Glenaire requires permits and inspections for most types of construction. Please call **816-792-4907** to find out if your project requires a permit. Due to limited staff and the frequency of scheduled inspections, ***appointments must be made with the Building Permit Alderman to obtain permits.*** Drop-in permits, in most cases, are not possible.

Please be aware that Glenaire Regulations prohibit anyone from living in an RV, mobile home, accessory building, or temporary structure on the home construction site prior to, during, or after home construction.

Subsequent to a fire or other natural disaster that causes the destruction of the primary dwelling, and only in this circumstance, the Glenaire Board of Aldermen may grant a temporary (up to 180 days) permit to put a mobile home on the property during reconstruction. This privilege is not automatic and requires a hearing before the County Commission to determine the existence of a hardship. Please contact the Building Official or City Clerk for details at 816-792-4907.

##### **New Residential Construction**

To obtain a building permit for new residential construction, you will need to bring the following items to your appointment with the Building Permit Alderman. If the Building Permit Alderman issues the permit, you will bring the signed permit application and the items listed below to meet with the Clay County Building Inspector. You must have a signed Glenaire Building Permit Application for your first meeting with the Clay county Inspector:

Call (407-3388) to schedule an appt.

Two (2) sets of drawings of what you are going to construct. After plan review, one set with any written comments made by the Building Inspector will be returned to the applicant, and one will be retained for our files. The drawings should include floor plans, a foundation plan, building elevations and a building cross section. Truss and suspended slab drawings must be stamped by an engineer.

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A plot plan of the property **prepared by a registered land surveyor** showing the legal description, the property dimensions, all easements, existing and proposed buildings with their dimensions and distances between all structures and property lines. If the parcel contains floodplain an elevation certificate will be required.

The permit fee is determined as follows:

\$100 for a value of \$50,000 to \$100,000, plus \$50 per inspection

\$200 for a value of \$100,001 to \$500,000, plus \$50 per inspection

(Note: Inspections are required as follows:

- 1). Plan review prior to builder starting
- 2). Footings
- 3). Piers
- 4) Suspended Slab
- 5). Ground Rough
- 6). Top Rough that includes Plumbing, Mechanical, Electrical, Framing, and Gas Line
- 7). Final

### ***(b) Permits for Accessory Building, Residential Deck, Swimming Pool and Fence Construction:***

NOTE: An accessory building shall not be constructed prior to the principal structure.

To obtain a building permit, you will need to bring the following items to your appointment with the Building Permit Alderman. If the Building Permit Alderman issues the permit, you will bring the signed permit application and the items listed below to meet with the Clay County Building Inspector. You must have a signed Glenaire Building Permit Application for your first meeting with the Clay County Inspector:

Call (407-3388) to schedule an appt.

Two sets of drawings of the proposed construction (may be hand drawn or a photograph). The plans must show construction design and materials in sufficient detail to determine the structure meets the building code requirements of 90 mph. wind load and 20 lb. Per sq. Ft. snow load. For swimming pools, you will need the motor, filter, and heater specifications.

The established permit fees for accessory buildings, decks and swimming pools, are as follows:

#### Accessory Buildings

1. Building 12 Ft. X 12 Ft. (144 Sq. Feet and under) \$25.00

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2. Larger than 144 Sq. Feet - Type I (No restroom) \$25.00 (Plus \$50 for inspections of footer/pad & final inspection)

(1) 3. Larger than 144 Sq. Feet - Type II (Has restroom) \$25.00 (Plus \$50 for inspections of footer/pad, ground rough & final inspection – ***having a restroom requires an additional inspection***)

B. Swimming Pools \$25.00 (Plus \$50 for inspections of bonding and a final)

C. Decks (over 120 sq. ft. or 30" above grade) \$ 25.00 (Plus \$50 for each of two inspections)

(c) Inspections:

The following inspections are performed prior to and during residential home construction.

Footing Inspection: A footing inspection is required after all steel is in place and before the concrete is poured. (Performed by the County Building Inspector)

Ground Rough Plumbing: (Performed by the County Building Inspector)

Water Inspection: As per respective public water supply district (PWSD) requirements. (Performed by the PWSD or their designate)

Top Rough Inspection (Performed by the County Building Inspector):

Plumbing Inspection: All rough plumbing must be inspected when drain, waste, vent and water piping is roughed in and prior to insulating or drywall stocking.

Framing Inspection: Building framing must be inspected after all framing and furring is completed, prior to insulating or drywall stocking. This inspection includes fireplaces and egress.

Electrical Rough Inspection: The electrical wiring must be inspected after all wiring, boxes and recessed fixtures are installed. Boxes should be made up and home runs should extend to service location. The inspection must be approved prior to insulation or drywall stocking.

Mechanical Rough Inspection: Mechanical vents, ducts and return air spaces require inspection prior to insulating or drywall stocking.

Gas Inspection: All gas piping on the building side of the gas meter needs to be inspected after all piping is installed and before the gas company will install a gas meter. A 10 psi air test shall be witnessed by an inspector. A 60 psi air test is required for welded piping.

NOTE: Top rough Plumbing, Framing, Electrical, Mechanical, and Gas inspections need to be called in by the builder to be inspected in one visit when all rough ins are ready.

Electrical Service Inspection: Electrical service inspection as per power company requirements. (Performed by the Electrical Utility).

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Occupancy (Final) Inspection: An occupancy (final) inspection is required prior to any occupancy of a building or addition. All electrical connections, face plates, panels and fixtures, mechanical equipment, final grade, driveways, guardrails, floor coverings and smoke detectors must be completed. (Performed by the County Building Inspector).

A fee of \$60.00 will be charged for each re-inspection. There are four (4) normal inspections, and one (1) re-inspection will usually be made free of charge. After one, however, the \$60.00 per re-inspection fee will be charged.

(Code 2021, § 4-1 through 4-2 § c; Ord. No.399, 8/18/2015)

(d) Lot Size

Lots upon which single family residence buildings are to be constructed, must have at least 75-foot frontage and must contain at least 15,000 square feet.

(Code 2021, § 4-2 § d; Ord. No.33, 5/18/1964)

### **Section 4-3) Footings and Foundations**

A footing inspection is required after the steel is in place, and before the concrete is poured.

The following regulations are provided to assist in meeting the requirements of the 2012 International Residential Code for typical residential footings. The items in parentheses ( ) are specifications in the 2012 IRC code book. Where questions arise, please contact the Building Inspector.

When completed, the bottom of all footings must be thirty-six (36) inches below the ground surface adjoining it. (Table R301.20 (1))

The minimum width of any footing is twelve (12) inches. (Table 1 R403.1)

Footings supporting a two-story structure must be at least fifteen (15) inches wide. (Table R403.1)

Footings supporting a three-story structure must be at least twenty-three (23) inches wide. (Table R403.1)

Concrete:

No less than 2,500 lb. concrete may be used for footings, basement slabs or interior slabs on grade, except garage floor slabs on grade. Except for garage floor slabs, 5% air entertainment is required if the concrete is exposed to freezing and thawing. (Table No. 402.2)

No less than 3,000 lb. air entrained concrete may be used for foundation walls. (Table No. 402.2)

No less than 3,000 lb. air entrained concrete may be used for concrete slabs exposed to the weather and 4000 lb. for garage floor slabs. (Table No. 402.2)

Pads under masonry fireplaces must be twelve (12) inches thick and extend six (6) inches on each side of the fireplace wall. (Section No. 1001.1.1)

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Anchor bolts are required at six-foot spacing intervals and within twelve (12) inches of the any break in the plate. (Section R 403.1.6)

Drains shall be provided around foundations enclosing habitable or usable spaces located below grade and which are subject to groundwater conditions. Drains shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an approved drainage system. (Section R405)

Exterior foundation walls of masonry construction enclosing basements shall be damp proofed. (Section R406)

Vapor Retarder will be installed before basement floor is poured (prior to placing reinforcing). (Section R405.2.2)

### **Section 4-4) Framing Regulations**

A framing inspection will be done in conjunction with the plumbing, electrical, mechanical and gas inspections.

The following regulations are provided to assist in meeting the requirements of the 2012 International Residential Code for Typical residential buildings. The items in parentheses ( ) are specifications in the 2012 IRC code book. Where questions arise, please contact the Building Inspector.

Treated wood is needed for plates, columns or posts on concrete foundations or floors and for joist crawl spaces with less than eighteen (18) inches of clearance to ground level. (Section R317.1)

Washers and nuts shall be placed on all anchor bolts. (Section R403.1.6)

Joists under and parallel to bearing walls shall be doubled. (Section R502.4)

Six (6) inches of separation is required between finished grade and any untreated wood, framing or siding. (Section R404.1.6)

Wall Support:

2x4 utility grade studs 16 inches on center shall support no more than a ceiling and a roof. (Table R602.3.1)

2x6 studs sixteen (16) inches on center shall be used for support of buildings over two stories. (Table 602.3(5))

All interior headers in bearing walls see (Table R502.5 (2)), headers in exterior bearing walls see (Table R502.5.1).

Purlins may be used to extend the span of rafters. Supporting struts shall extend to bearing walls. (Tables 802.5.1(1) thru R802.5.1 (8))

When ceiling joists run in the opposite direction to rafters, rafter ties are needed 4'-0" on center. (Section No. 802.5.1)

Rafters shall be framed directly opposite each other at the ridge. The ridge board must be equal or greater in depth to the end cut of the rafter. (Section No. 802.5.1)

Joist framing from opposite sides of a beam shall overlap three (3) inches. (Section No. 502.6.1)

Holes bored in joist shall not be within two (2) inches of the top or bottom. The diameter shall not exceed 1/3rd. of the depth of the joist. Notches in the top or bottom of joist shall not exceed 1/6th of the depth and shall not be located in the middle 1/3 rd. of the span. (Section R502.8)

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Top and bottom plates cut for plumbing or mechanical shall be strapped with 1/8th x 1-1/2 inch metal ties with 4-10d nails. (Section R 302.11)

Firestopping must be provided to seal off all concealed draft openings between stories and between the top story and attic. (Section No. 602.8)

Access to each attic shall be provided by an opening at least twenty (22) inches x thirty (30) inches. Thirty (30) inches of head room is required above the opening. (Section R807)

One layer of fifteen (15) pound felt is required beneath all asphalt shingles. (Section 905)

Stairways shall meet the requirements of (Section R311.7)

Handrails are required for all stairways and must be graspable. Handrails shall be continuous for the full length of the stairs. The top of the handrail shall be thirty (30) to thirty-eight (38) inches above the nosing of the treads. (Section R311.7.8)

Guardrails shall be built to meet the requirements of (Section R312).

The maximum spans of floor joists and rafters are shown in “Span Tables” (Table R502.3.1)

The fireplace chimney or metal vent opening must be two (2) feet above any roof within ten (10) feet. (Section R1003.9)

Basements, habitable attics, and every sleeping room shall have at least one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room. Windows must have at least 5.7 square feet of net clear opening. The minimum net clear opening height is twenty-four (24) inches, and the minimum net clear opening width is twenty (20) inches. The finished sill height shall be no more than forty-four (44) inches above the floor. (Section R 310).

### **Section 4-5) Fireplaces.**

Fireplaces shall comply with Chapter 10 of the International Residential Code.

### **Section 4-6) Plumbing Regulations**

The following regulations are provided to assist in meeting the requirements of the 2012 International Residential Code for typical residential buildings. The items in parentheses ( ) are specifications contained in the 2012 IRC code book. Where questions arise, please contact the Building Inspector.

**Note: All persons doing plumbing work in this jurisdiction for hire must be licensed either in Kansas City, Mo. or Liberty, Mo.**

The following inspections are required at each dwelling:

Water Inspection

Top Rough Inspection (Includes framing, electrical, mechanical, plumbing and gas)

Ground Rough Plumbing Inspection



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Standpipes for automatic clothes washers shall extend a minimum of eighteen (18) inches and a maximum of forty-two (42) inches above the trap weir. Access shall be provided to all standpipe traps and drains for rodding. (P2706.2)

Every vent stack or stack vent shall extend outdoors and terminate not less than six (6) inches above roof or six (6) inches above anticipated snow accumulations whichever is greater. (P3103.1)

A floor drain shall have a waste outlet not less than two (2) inches in diameter and have a removable strainer. (P2719)

All air admittance valves shall be readily accessible. The valve shall be located in a ventilation space that allows air to enter the valve. (P3114.5)

“S” traps are prohibited. (P3201.5)

No gas piping will be permitted in the HVAC cold air return areas. (M1602)

### **Section 4-7) Mechanical Regulations**

The following regulations are provided to assist in meeting the requirements of the 2012 International Residential Code for typical residential buildings. The items in parentheses ( ) are specifications in the 2012 IRC code book. Where questions arise, please contact the Building Inspector.

**Note: All persons doing mechanical work in this jurisdiction for hire must be licensed either in Kansas City, Mo. or Liberty, Mo.**

A mechanical inspection will be conducted by the Building Inspector at the same time as the framing, electrical, and plumbing inspections.

Equipment:

A range hood shall be vented to the outdoors by a single-wall duct constructed of galvanized steel, stainless steel, or copper. Vents serving range hoods shall not terminate in an attic or crawl space or in any other area inside the building. Listed unvented hoods may be used when installed in accordance with the terms of their listing. (Section M1503.1)

Ducts for exhausting moisture from clothes dryers shall not be constructed with sheet metal screws or other fastening means which extend into the duct no more than 1/8<sup>th</sup> of an inch. Moisture exhaust ducts shall terminate outside the building. Exhaust ducts shall be supported at intervals not to exceed twelve (12) feet and shall be secured in place. Maximum length of exhaust ducts shall be thirty-five (35) feet from the connection to the transition duct from the dryer to the outlet terminal. (M1502.4.4.1) Where fittings are used the maximum length of the exhaust duct shall be reduced in accordance with Table M1502.4.4.1.

Protective shield plates shall be placed where nails or screws from finish or other work are likely to penetrate the clothes dryer exhaust duct. Shield plates shall be placed on the finished face of all framing members where there is less than 1 ¼ inches between the duct and the finished face of the framing member. Protective shield plates shall be constructed of steel and shall extend a minimum of two (2) inches above sole plates and below top plates. (M1502.5)

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### **Section 4-8) Electrical Regulations**

The following regulations are provided to assist in meeting the requirements of the 2012 International Residential Code for typical residential buildings. The items in parentheses ( ) are specifications in the 2012 IRC code book. Where questions arise please contact the Building Inspector.

**Note: All persons doing electrical work in this jurisdiction for hire must be licensed either in Liberty, Excelsior Springs or Kansas City, Mo.**

The following inspections are required at each dwelling:

Electrical Service Inspection as per electric company requirements.

Electrical Rough Inspection to be done with the framing, mechanical, plumbing, and gas top rough inspections.

#### **Services:**

For a single family residence the main panel shall be grounded to a metal water line which is buried at least ten (10) feet and one eight (8) foot ground rod. If no metal water line is available then two (2) of the ground rods spaced ten (10) feet apart will be required. The ground on the water line shall be installed where it enters the structure and before the first soldered joint. The 2<sup>nd</sup> ground rod shall be placed away from the structure so it will pick up moisture. If access to the reinforcing steel in the foundation is provided this can be used as ground. (E3608.1.1,E3608.1.4)

In every kitchen, family room, dining room, living room, parlor, library, den, sunroom, bedroom, recreation room, guest room or other similar rooms of dwelling units, receptacle outlets shall be installed so that no point along the floor line in any wall space is more than 6 feet measured horizontally from an outlet in that space including any wall space two (2) feet or more in width and the wall space occupied by sliding panels in exterior walls. The wall space afforded by fixed room dividers, such as free standing bar-type counters, shall be included in the six (6) foot measurement. There should never be more than twelve (12) feet between each receptacle on a continuous wall space. Walls constructed of open guardrails are included as wall space. Where floor receptacles are necessary, they shall be dust proof. For floor receptacles to count for wall space, they must be within eighteen (18) inches of the wall. (E3901)

As used herein, a "Wall Space" shall be considered a wall unbroken along the floor line by doorways, fireplaces and similar openings. Each wall space 2' or wider shall be treated individually and separately from other wall spaces within the room. A wall space shall be permitted to include two (2) or more walls of a room (around corners) where unbroken at the floor line. Receptacle outlets, insofar as is practical, should be placed equal distances apart. (E3901.2.2)

#### **Counter Tops:**

In kitchen and dining areas of dwelling units, a receptacle outlet shall be installed at each counter space wider than twelve (12) inches. Counter tops separated by range tops, refrigerators or sinks shall be considered as separate counter space. Receptacles rendered inaccessible by appliances fastened in place or appliances occupying dedicated space shall not be considered as these required outlets. Island counters shall be required to have receptacle outlets as outlined above. All small appliance outlets in the kitchen shall be of the GFCI type. (E3901.4)

#### **Bathrooms:**

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At least one wall receptacle outlet shall be installed adjacent to the basin location (GFCI required for bathrooms E3901.6)

An exhaust fan, vented to outside air is required if there is no operable window in the bathroom. (R303.3)

### **Outdoor Outlets:**

For one- and two-family dwellings at least two receptacle outlets shall be installed outdoors, front, and back, for each unit. All outside outlets shall be GFCI type. (E3902.3, E3901.7)

### **Basements and Garages:**

For a dwelling unit, at least one receptacle outlet in addition to the outlet for laundry equipment shall be installed in each basement and one in each garage. (E3901.9)

### **General:**

At least one wall switch-controlled lighting outlet shall be installed in each habitable room, guest room, bathroom, stairway, hallway, and garage provided with electrical power and an outside egress. (E3903)

At least one outlet shall be installed in an attic, under floor space, utility room and basement where these spaces are used for storage or contain equipment that might require service. (E3903.4)

### **Exceptions:**

In habitable rooms, other than kitchens and bathrooms, one or more receptacles controlled by a wall switch shall be permitted in lieu of lighting outlets. (E3903.2)

In hallways, stairways, and outdoor entrances; remote, central, or automatic control of lighting shall be permitted. (E3903.3)

Where installed in a wet or damp location fifteen (15) and twenty (20) ampere and one hundred twenty-five (125) and two hundred fifty (250) volt receptacles shall have an enclosure that is weatherproof and shall be listed-weather resistant type. (E4002.8 & E4002.10)

### **Clothes Closets:**

Lights in closets shall be installed with a minimum of twelve (12) inch, clearance measured horizontally from the front of the top shelf. (E4003.12)

Recessed fixtures with solid lenses or fluorescent fixtures may be installed with a minimum of six (6) inch clearance measured horizontally from the front of the top shelf. (E4003.12)

### **Recessed Fixtures:**

All recessed fixtures shall have thermal protection and shall be identified as thermally protected. (E4003.5)

Recessed fixtures installed in thermal insulation shall be identified with the listing label for installation within thermal insulation. (E4003.5)

### **Smoke Detectors:**

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Smoke detectors shall receive their primary power from the building wiring and have a battery back-up. The wiring shall be permanent and without a disconnecting switch other than required for over current protection located at the main service. (R314.4)

Locations required: each sleeping room, outside each sleeping room, and each additional story. (R314.3)

For new construction, an approved carbon monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units within which fuel fired appliances are installed and in dwelling units that have attached garages. (R315.1)

When alterations, repairs, or additions requiring a permit occur, or when one or more sleeping rooms are added or created in existing dwellings, the individual dwelling unit shall be equipped with smoke alarms located as required for new construction.

### **Exceptions:**

Work involving the exterior surfaces of dwelling, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, are exempt from the requirements of this section.

***Installation, alteration, or repairs of plumbing or mechanical systems are exempt from the requirements of this section.***

### **Section 4-9) Ground-fault Protection for Personnel**

Bathrooms:

All fifteen (15) & twenty (20) amp receptacles installed in bathrooms shall have ground-fault circuit interrupter (GFCI) protection for personnel. A bathroom is an area including a basin with one or more of the following: a toilet, a tub and or a shower. A GFCI for a bathroom can serve only bathrooms. It cannot serve any other area. (E3902.1)

Basement:

At least one basement receptacle shall be ground fault protected and identified as such. (E3901.9 & E3902.5)

Outdoors:

All fifteen (15) & twenty (20) amp receptacles installed outdoors shall have GFCI protection for personnel. (E3902.3)

Kitchens:

All countertop receptacles for small appliances shall be GFCI protected and the GFCI protector can be used for the kitchen only. (E3902.6)

Spa or Hot Tub:

Receptacles for spa or hot tub equipment, receptacles within ten (10) feet of water, and for lighting within five (5) feet (measured horizontally) shall be GFCI protected. (E4203.2 & E4203.1.5)

Accessory Building:

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All fifteen (15) or twenty (20) amp receptacles installed in outbuildings that are at grade level and used for storage or work areas require GFCI protection. (E3902.2)

### **Section 4-10) Occupancy Regulations**

The following regulations are provided to assist in meeting the requirements of the 2012 International Residential Code for an occupancy inspection of a typical residential building. Where questions arise, please contact the Building Inspector.

An occupancy (final) inspection is required prior to the occupancy of all buildings. The Building Inspector will check the property and building for code compliance.

#### **Site**

Untreated wood must be separated from final grade by no less than six (6) inches. (R408.6)

Final grade must drain away from the house six (6) inches in ten (10) feet. (R401.3)

A one-hour occupancy separation is required between a garage and a dwelling. The occupancy separation includes all garage walls and ceilings. Doors must be at least 1-3/8" solid core wood, a door with a twenty (20) minute fire rating, or equivalent. Hollow core panel doors are not acceptable. Mechanical ducts, furnace flues and plumbing needs are to be furred around so that dry wall can enclose the garage. *Vents in the garage are allowed for supply air only if a fire damper is installed. **NO RETURN AIR IS ALLOWED! (Duct work in the garage must be at least twenty-six (26) gauge.)*** (R302.5)

Each building must be posted with the proper address numbers, so they are visible from the street. (R319)

Double keyed dead bolts are not permitted. (R311.2)

Electrical panels, switches, receptacles, and lights must be completed. (IBC 110.3.10)

The electrical service must be completed, with panel cover on and all circuits identified. (E3404.12)

Electrical faceplates must be on. (IBC 110.3.10)

Receptacles, smoke detectors, and ground-fault circuits will be tested. (R314, E3901, & E3902)

Plumbing fixtures must be properly connected. (P2503.5.2)

Stubbed-in (future) plumbing must be capped off. (P2608)

The building sewer clean-out must be accessible. (P2608)

The water service shutoff valve must be accessible. (P2608)

Perimeter drain tiles that are required around footings for control of surface water shall drain by gravity to grade, or under the footing, into a sump hole where a sump-pump shall eject the water to the outside of the dwelling. The sump-pump may not eject into the sanitary sewers. (P2608)

# CODE

## CHAPTER 4 – BUILDINGS

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### **Section 4-11) General Requirements for Residential Decks**

Permits are required for the construction of all decks (over 120 sq. ft. or 30" above grade). A set of building plans showing the following is required:

Pier locations, (depth & size)

Size and material of posts, beams and joists

Size height and spacing of guardrails and spindles

A site plan showing the location of the house and location of the new deck; **NOTE:** Both plans should be drawn to scale. 1/4" per foot for building plans and 1 inch = 20 feet or 1 inch = 30 feet for site plans are normal.

A legal description of the property with address, property dimensions, easements, location of any other permanent structures and distance from deck to property lines.

The following list includes most building code and land use regulations for decks:

Side yard setback of no less than fifteen (15) feet and rear yard setbacks are to be no less than thirty (30) feet. Footings and piers must extend thirty-six (36) inches below grade and bear on undisturbed soil. (R403.1, R403.1.4, & Table R301.2(1))

Guardrails must extend thirty-six (36) inches above the deck unless deck is less than thirty (30) inches above grade. If so, no guardrail is required. (R312.1)

Deck ledger shall be attached with ½ inch lag screws or bolts with washers in accordance with Table R507.2 and shall be placed according to Table R507.2.1.

Handrails and stairs railings shall have intermediate rails in an ornamental pattern so that a four (4) inch sphere cannot pass through. Handrails are required on at least one side of the stairs and at all openings. Structural requirements for decks are based upon loads of forty (40) pounds per square foot. (R312.1 & R311.7.8)

***The preceding regulations are not an all-encompassing code manual, please refer to the publications listed at the front of the regulations for further code details.***

(Code 2021, § 4-3 through 4-11; Ord. No.399, 8/18/2015)

# CODE

## CHAPTER 4 – BUILDINGS

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Bill Number	Ordinance Number	Description of Ordinance	Date Enacted
3	3	Building Plans & Permits - <i>saved as unnumbered 2</i>	10/2/1950
12	11	Lot size, septic requirements	7/1/1952
34	33	Lot size, septic requirements <i>Repeals Ord. 11</i>	5/18/1964
35	34	Building plans and permits <i>Repeals Ord. 3</i>	5/18/1964
132	134	Repeal Ordinance 35: Building Codes/Permit Fees <i>Repeals Ord. 34</i>	4/7/1987
133	135	Construction Regulations/Plan Submission/Permitting	4/7/1987
246	248	Building Permit Fee Schedule	9/18/2001
331	333	Repeal Ord. 248 and Section 7 of Ord. 134 Building Permit Fee Schedule	3/17/2009
397	399	Adopt Glenaire Residential Construction Regulations <i>this ordinance appears to repeal 135</i>	8/18/2015

CODE

CHAPTER 5 – CABLE TELEVISION REGULATIONS

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CHAPTER 5      CABLE TELEVISION REGULATIONS (RESERVED)



CODE

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CHAPTER 6 – CIVIL DEFENSE

CHAPTER 6      CIVIL DEFENSE (RESERVED)

CHAPTER 7 ELECTIONS<sup>4</sup>*Article I* IN GENERAL**Section 7-1) Date of General Election**

A general election for the elective officers of this city shall be held on the first Tuesday in April of each year.

On the first Tuesday in April of odd numbered years an election shall be held by the qualified voters of each ward in the city for Mayor, City Marshal, and for an Alderman for each Ward, who shall hold their respective offices for the term of two years and until their successors shall be elected and qualified.

On the first Tuesday in April of even numbered years an election shall be held by the qualified voters of each ward in the city for an Alderman for each Ward, who shall hold their respective offices for the term of two years and until their successors shall be elected and qualified.

Commencing with the April 2007 election, all Aldermen will be “at large” and represent the interests of the residents of Glenaire in total and not by a Ward designation.

(Code 2021, § 7-1, ¶ 1 & 2, Ord. No. 181, § 1, 10/15/1996; ¶ 3, Ord. No. 306, § 1 9/26/2006)

**Section 7-2) Filing of Candidates**

Any person desiring to seek election for any elective city office at any general city election may do so by filing his name and the office for which he seeks election with the city clerk during the filing period fifteen Tuesdays before the election date. The clerk shall keep a permanent record of the names of the candidates, the offices for which they seek election and the date of their filing, and their names shall appear on the ballots in that order.

**Section 7-3) Candidates’ Qualifications Challenged**

Any person who is not qualified for his office as provided by state law or other ordinances shall not be entitled to have his name printed on the ballot. The qualifications of a candidate for office shall be determined by the board of alderman upon hearing given, and upon its own motion, or upon written affidavit by some person that a named candidate is not qualified as such for the office sought.

**Section 7-4) Conformance of City Elections with State Law**

All city elections shall be conducted and held in conformance with the provisions of the state election laws.

**Section 7-5) Conduct of Election by County Clerk.**

The county election board, as the designated election authority, shall conduct city elections.

**Section 7-6) Notice of City Election**

The City Clerk shall notify the County Clerk prior to 5:00 p.m. on the tenth Tuesday prior to any City Election of the forthcoming city election. The notice shall be in writing and shall specify that the city is calling the election, the

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<sup>4</sup>State law reference(s)— <sup>4</sup>see RSMo Ch 115, which supercedes all election provisions in these ordinances.

CHAPTER 7 – ELECTIONS

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purpose of the election, the date of the election, and it shall include a certified copy of the legal notice to be published and "the sample ballot.

**Section 7-7) Voters, Qualifications**

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

(Code 2021, § 7-2 through 7-7; Ord. No.181, § 2 through 7, 10/15/1996)

Bill Number	Ordinance Number	Description of Ordinance	Date Enacted
179	181	General Election Information Pertaining to City	10/15/1996
304	306	Board Representation via At Large Designations	9/26/2006

CODE

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CHAPTER 8 – ELECTRICITY

CHAPTER 8      ELECTRICITY (RESERVED)

# CODE

## CHAPTER 9 – FIRE PROTECTION

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### CHAPTER 9 FIRE PROTECTION

#### *Article I* FIRE PREVENTION

##### **Section 9-1) Intention of Fire Prevention**

Notice is taken of the established fact of common knowledge of recurrent high winds in this vicinity, and of the relation thereto to the setting or maintenance of fires; of the effect thereon upon buildings and facilities used for human habitation, all of which is of common experience in this area.

##### **Section 9-2) Open Flames in Buildings Prohibited**

No fire, or open flame shall be set or maintained in the City of Glenaire in any building, structure, or any facilities used for human habitation nor shall any stove, heater, furnace, cooking appliance, or any other appliance or fixture in which any flame derived from any sort of fuel, is used or located in the operation thereof be used or lit, any fire of flame set or maintained therein, unless such building, structure or facilities, shall be firmly fixed and fastened to a foundation of masonry, concrete, or other solid or indestructible material attached to and based upon footings extending into the soil in which footings shall extend in such soil a distance of not inches and of a width not less than 36 inches, a width of not less than 16 inches, and a height of at least 8 inches, and so firmly constructed and of such design as to prevent any movement of such buildings, structure or facilities by extremely high winds.

##### **Section 9-3) Foundation or footings requirements**

No use shall be made for human habitation, residence, living or domestic purposes in the City of Glenaire of any structure not so constructed upon a foundation or footings as above provided, or which merely resting of its own weight upon the ground or other substance, and which is not affixed to such foundation and footings by fixed and permanent fasteners.

##### **Section 9-4) Stove Pipe, Chimney and Flue requirements**

No pipe of any stove, chimney or fireplace shall be put up or used in said City unless the same shall be conducted into a chimney of stone, brick, or other solid masonry material. Such chimney shall be so constructed as to admit it's being scraped, brushed or cleaned and shall be so constructed that the top thereof, whence smoke or steam shall issue shall be higher than the tops of surrounding buildings within a distance of 250 feet, and the same shall be plastered inside or have a standard flue lining inserted therein. No pipe of any stove, chimney, or fireplace shall be passed through the woodwork of any building or structure except that it shall be separated from the same at least 4 inches by metal or other incombustible materials.

##### **Section 9-5) Outdoor burning**

Any fire, set for any lawful purpose, in said City except when within a properly constructed cooking or heating appliance located within a building or structure so placed upon and fastened to foundation and footings as above provided, must be at least 300 feet from any building or structure and constantly watched and tended by the person setting the same from the time it is set until it is fully extinguished. Where such fire may be set for the burning of any trash, refuse or material it shall be confined to a non-combustible incinerator or appliance and shall not be permitted to exceed or go beyond the confines thereof.

##### **Section 9-6) Violation of this Article**

The use of any structure, building or facilities in the City of Glenaire in violation in the terms hereof is hereby declared to be a nuisance, and shall be prohibited and abated as such.

# CODE

## CHAPTER 9 – FIRE PROTECTION

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(Code 2021, § 9-1 through 9-6; Ord. No.4, § 1 through 6, 10/2/1950)

### *Article II* FIREWORKS SALES AND USE

#### **Section 9-7) Sale of Fireworks Prohibited**

It shall be unlawful for any person or persons to sell at wholesale, retail or give away fireworks in the City of Glenaire.

(Code 2021, § 9-7; Ord. No.42, § 1, 6/6/1966)

#### **Section 9-8) Use of Fireworks Defined**

For the purposes of the following two sections, Fireworks (formerly known as Class C, Common Fireworks) shall mean any composition or device for the purpose of producing a visible or audible effect for entertainment purposes by combustion, deflagration, or detonation which are classified as fireworks UN 0336, 1.4G by the United States Department of Transportation and the United States Consumer Product Safety Commission as set forth in CPSC 16 CFR parts 1500 and 1507.

Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited within the City, except as follows:

The possession, storage, handling and use of certain Division 1.4G fireworks shall be permitted within the City, provided such fireworks comply with

Chapter 320 of the Revised Statutes of Missouri, 11 CSR 40-3.010, CPSC 16 CFR, Parts 1500-1507, DOT 49 CFR, Parts 100-178, and all applicable ordinances of the City, except that it shall be unlawful for any person to possess, store, handle, or use, within the City, the following Division 1.4G fireworks:

Sparkler bombs

Altered or combined fireworks

Sky Lanterns

#### **Section 9-9) Use of Permitted Fireworks**

The use of permitted fireworks shall be governed by the following regulations:

It shall be unlawful for any person to throw or place any fireworks, including pyrotechnic devices, in such manner that explosion of same will likely endanger or cause injury or damage to any person or property.

The use of such fireworks shall be limited to the time period from 11:00 a.m. to 11:00 p.m. on the 3rd, 4th and 5th of July of each year.

If a Sunday occurs in any year on the 3rd, 4th and 5th of July the morning period of restriction shall be extended to 12:00 noon.

Throwing or discharging of fireworks on any public property, including streets and parks, is prohibited.

It shall be unlawful for any person to throw, use, explode, detonate, aim, point or shoot fireworks, including pyrotechnic devices, in such a manner that, after it is ignited, will propel it, or any part thereof, such that it, or any part thereof, lands on property of another.

# CODE

## CHAPTER 9 – FIRE PROTECTION

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It shall be unlawful for any person to throw, use, explode, detonate, or shoot fireworks within any structure.

It shall be unlawful for any person to throw, use, explode, detonate, or shoot fireworks within six hundred feet of any church, hospital, mental health facility, or school, or within one hundred feet of any location where fireworks are stored, sold, or offered for sale or a designated historical structure.

No person shall use, explode, detonate, or shoot fireworks within, or throw the same from, a motorized vehicle, nor shall any person place or throw any ignited firework into, at, or under a motorized vehicle or any other means of transportation, or at or near any person or animal. No person shall throw, use, explode, detonate, or shoot fireworks within three hundred feet of any permanent storage of ignitable liquid, gases, gasoline pump, gasoline filling station, or any nonpermanent structure where fireworks are stored, sold or offered for sale.

### **Section 9-10) Violations of Article II**

Any person who shall violate or fail to comply with the provisions of this Article and corresponding ordinance may, upon conviction, be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or confinement not to exceed ninety (90) days, or both. For the first offense under this Article the minimum fine assessed shall be Twenty Five Dollars (\$25.00) and for any subsequent offense the minimum fine assessed shall be Fifty Dollars (\$50.00). Each act in which a person violates this Article and corresponding ordinance shall be considered a separate incident and may be punished as a separate occurrence.

(Code 2021, § 9-8 through 9-10; Ord. No. 391, § 1 and 2, 12/15/2015)

### *Article III* NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

#### **Section 9-11) NIMS Adopted**

It shall be the public policy of the City of Glenaire to adopt the NIMS concept of emergency planning and unified command. It shall further be the policy to train public officials responsible for emergency management.

(Code 2021, § 9-11; Ord. No. 305, 9/19/2006)

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## CHAPTER 9 – FIRE PROTECTION

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Bill Number	Ordinance Number	Description of Ordinance	Date Enacted
4	4	Fire prevention - saved as unnumbered #1	10/2/1950
43	42	Cannot sell fireworks in Glenaire	6/6/1966
303	305	Establishment of NIMS for Glenaire	9/19/2006
389	391	Ordinance regulating fireworks	12/15/2015



# CODE

## CHAPTER 10 – FLOODPLAIN MANAGEMENT

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### CHAPTER 10 FLOODPLAIN MANAGEMENT

#### *Article I* STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES

##### **Section 10-1) Statutory Authorization**

The Legislature of the State of Missouri has in RSMo 79.110 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare.

##### **Section 10-2) Findings of Fact**

Flood Losses Resulting from Periodic Inundation

- (1) The special flood hazard areas of the City of Glenaire, Missouri are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

General Causes of the Flood Losses

- (2) These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

Methods Used to Analyze Flood Hazards

- (3) The Flood Insurance Study (FIS) that is the basis of this chapter uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.

Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this chapter is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this chapter. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials for Clay County dated August 3, 2015 as amended, and any future revisions thereto.

Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.

Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.

# CODE

## CHAPTER 10 – FLOODPLAIN MANAGEMENT

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Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

### **Section 10-3) Statement of Purpose**

It is the purpose of this chapter to promote the public health, safety, and general welfare; to minimize those losses described in Article 1, Section B (1); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this chapter to:

restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.

require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and

protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

## *Article II* GENERAL PROVISIONS

### **Section 10-4) Lands to which Chapter Applies**

This Chapter shall apply to all lands within the jurisdiction of the City of Glenaire, Missouri identified as numbered and unnumbered A zones and AE zones, on the Flood Insurance Rate Maps (FIRMs) for Clay County on map panels 29047C0227E and 29047C0229E dated August 3, 2015 as amended, and any future revisions thereto. In all areas covered by this chapter, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Board of Aldermen or its duly designated representative under such safeguards and restrictions as the Board of Aldermen or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article 4.

### **Section 10-5) Floodplain Administrator**

The Mayor is hereby designated as the Floodplain Administrator under this Chapter.

### **Section 10-6) Compliance**

No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

### **Section 10-7) Abrogation and Greater Restrictions**

It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

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## CHAPTER 10 – FLOODPLAIN MANAGEMENT

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### **Section 10-8) Interpretation**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

### **Section 10-9) Warning and Disclaimer of Liability**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create a liability on the part of the City of Glenaire, any officer or employee thereof, for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

### **Section 10-10) Severability**

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this ordinance shall not be affected thereby.

## *Article III* ADMINISTRATION

### **Section 10-11) Floodplain Development Permit**

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Article 2, Section A. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

### **Section 10-12) Designation of Floodplain Administrator**

The Mayor is hereby appointed to administer and implement the provisions of this Chapter.

### **Section 10-13) Duties and Responsibilities of Floodplain Administrator**

Duties of the Mayor shall include, but not be limited to:

review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this chapter have been satisfied;

review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law.

review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.

issue floodplain development permits for all approved applications.

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## CHAPTER 10 – FLOODPLAIN MANAGEMENT

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notify adjacent communities and the Missouri State Emergency Management Agency (Mo SEMA) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

assure that the flood carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse.

verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;

verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed.

when floodproofing techniques are utilized for a particular non-residential structure, the Mayor shall require certification from a registered professional engineer or architect.

### **Section 10-14) Application for Floodplain Development Permit**

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work.

identify and describe the work to be covered by the floodplain development permit.

indicate the use or occupancy for which the proposed work is intended.

indicate the assessed value of the structure and the fair market value of the improvement.

specify whether development is located in designated flood fringe or floodway.

identify the existing base flood elevation and the elevation of the proposed development.

give such other information as reasonably may be required by the Mayor.

be accompanied by plans and specifications for proposed construction; and

be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

## *Article IV* PROVISIONS FOR FLOOD HAZARD REDUCTION

### **Section 10-15) General Standards**

No permit for floodplain development shall be granted for new construction, substantial- improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones and AE zones, unless the conditions of this section are satisfied.

All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this

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## CHAPTER 10 – FLOODPLAIN MANAGEMENT

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chapter. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.

Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any numbered A zone or AE zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:

design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

construction with materials resistant to flood damage.

utilization of methods and practices that minimize flood damages.

all electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

new or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and

subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:

all such proposals are consistent with the need to minimize flood damage;

all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;

adequate drainage is provided so as to reduce exposure to flood hazards; and

all proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

Storage, material, and equipment:

The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.

Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

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## CHAPTER 10 – FLOODPLAIN MANAGEMENT

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### **Section 10-16) Specific Standards**

In all areas identified as numbered and unnumbered A zones and AE zones, where **base flood elevation** data have been provided, as set forth in Article 4, Section A(2), the following provisions are required:

#### Residential Construction

New construction or substantial improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to two (2) feet above base flood elevation.

#### Non-Residential Construction

New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to two (2) feet above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 3, Section C(9).

Require, for all new construction and substantial improvements that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided: and

the bottom of all opening shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices if they permit the automatic entry and exit of floodwaters.

### **Section 10-17) Manufactured Homes**

All manufactured homes to be placed within all unnumbered and numbered A zones and AE zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

Require manufactured homes that are placed or substantially improved within unnumbered or numbered A zones and AE zones, on the community's FIRM on sites:

outside of manufactured home park or subdivision.

in a new manufactured home park or subdivision.

in an expansion to and existing manufactured home park or subdivision; or

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## CHAPTER 10 – FLOODPLAIN MANAGEMENT

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in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to two (2) feet above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones and AE zones, on the community's FIRM, that are not subject to the provisions of Article 4, Section C(2) of this chapter, be elevated so that either:

the lowest floor of the manufactured home is at two (2) feet above the base flood level; or

the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

### **Section 10-18) Floodway**

Located within areas of special flood hazard established in Article 2, Section A are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris and potential projectiles, the following provisions shall apply:

The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.

The community shall prohibit any encroachments, including fill, new construction, substantial- improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

If Article 4, Section D(2) is satisfied, all new construction and substantial-improvements shall comply with all applicable flood hazard reduction provisions of Article 4.

In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources as set forth in Article 4, Section A(2).

### **Section 10-19) Recreational Vehicles**

Require that recreational vehicles placed on sites within all unnumbered and numbered A zones and AE zones on the community's FIRM either:

be on the site for fewer than 180 consecutive days,

be fully licensed and ready for highway use\*; or

meet the permitting, elevation, and the anchoring requirements for manufactured homes of this chapter.

\*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions.

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## CHAPTER 10 – FLOODPLAIN MANAGEMENT

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### *Article V* FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

#### **Section 10-20) Establishment of Appeal Board**

The Board of Adjustment as established by the City of Glenaire shall hear and decide appeals and requests for variances from the floodplain management requirements of this chapter.

#### **Section 10-21) Responsibility of Appeal Board**

Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Mayor, the applicant may apply for such floodplain development permit or variance directly to the Board of Adjustment, as defined in Article 5, Section 10-20.

The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Mayor in the enforcement or administration of this chapter.

#### **Section 10-22) Further Appeals**

Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Clay County Circuit Court as provided in RSMo 89.110.

#### **Section 10-23) Floodplain Management Variance Criteria**

In passing upon such applications for variances, the Board of Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this chapter, and the following criteria:

the danger to life and property due to flood damage;

the danger that materials may be swept onto other lands to the injury of others;

the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

the importance of the services provided by the proposed facility to the community;

the necessity to the facility of a waterfront location, where applicable;

the availability of alternative locations, not subject to flood damage, for the proposed use;

the compatibility of the proposed use with existing and anticipated development;

the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

the safety of access to the property in times of flood for ordinary and emergency vehicles;

the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,

the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.



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### **Section 10-24) Conditions for Approving Floodplain Management Variances**

Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 2 through 6 below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structure=s continued historic designation.

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Variances shall only be issued upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this chapter.

### ***Article VI* PENALTIES FOR VIOLATION**

Violation of the provisions of this chapter or its associated ordinances, or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$ 500.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Glenaire or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

### ***Article VII* AMENDMENTS**

The regulations, restrictions, and boundaries set forth in this chapter and its corresponding ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Glenaire least 20 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be

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provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this chapter are in compliance with the National Flood Insurance Program (NFIP) regulations.

### *Article VIII*      **DEFINITIONS**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the same meaning they have in common usage and to give this chapter its most reasonable application.

**"100-year Flood"** see *"base flood."*

**"Accessory Structure"** means the same as *"appurtenant structure."*

**"Actuarial Rates"** see *"riskpremium rates."*

**"Administrator"** means the Federal Insurance Administrator.

**"Agency"** means the Federal Emergency Management Agency (FEMA).

**"Agricultural Commodities"** means agricultural products and livestock.

**"Agricultural Structure"** means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

**"Appeal"** means a request for review of the Floodplain Administrator's interpretation of any provision of this chapter or a request for a variance.

**"Appurtenant Structure"** means a structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure.

**"Area of Special Flood Hazard"** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**"Base Flood"** means the flood having a one percent chance of being equaled or exceeded in any given year.

**"Basement"** means any area of the structure having its floor subgrade (below ground level) on all sides.

**"Building"** see *"structure."*

**"Chief Executive Officer" or "Chief Elected Official"** means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

**"Community"** means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

**"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**"Elevated Building"** means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

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**"Eligible Community" or "Participating Community"** means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

**"Existing Construction"** means for the purposes of determining rates, structures for which the *"start of construction"* commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. *"Existing construction"* may also be referred to as *"existing structures."*

**"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**"Expansion to an Existing Manufactured Home Park or Subdivision"** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**"Flood" or "Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

**"Flood Boundary and Floodway Map (FBFM)"** means an official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

**Flood Elevation Determination"** means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

**"Flood Elevation Study"** means an examination, evaluation and determination of flood hazards.

**"Flood Fringe"** means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

**"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

**"Flood Insurance Study (FIS)"** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**"Floodplain" or "Flood-prone Area"** means any land area susceptible to being inundated by water from any source (*see "flooding"*).

**"Floodplain Management"** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

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## CHAPTER 10 – FLOODPLAIN MANAGEMENT

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**"Floodplain Management Regulations"** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

**"Floodproofing"** means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

**"Floodway" or "Regulatory Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**"Floodway Encroachment Lines"** means the lines marking the limits of floodways on Federal, State and local floodplain maps.

**"Freeboard"** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. *"Freeboard"* tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

**"Functionally Dependent Use"** means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

**"Highest Adjacent Grade"** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**"Historic Structure"** means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

**"Lowest Floor"** means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, **provided** that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this chapter.

**"Manufactured Home"** means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term *"manufactured home"* **does not include** a *"recreational vehicle."*

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## CHAPTER 10 – FLOODPLAIN MANAGEMENT

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**"Manufactured Home Park or Subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"Map"** means the Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

**"Market Value" or "Fair Market Value"** means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

**"Mean Sea Level"** means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

**"New Construction"** means, for the purposes of determining insurance rates, structures for which the *"start of construction"* commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *"new construction"* means structures for which the *"start of construction"* commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

**"New Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

**"(NFIP)"** means the National Flood Insurance Program (NFIP).

**"Participating Community"** also known as an *"eligible community,"* means a community in which the Administrator has authorized the sale of flood insurance.

**"Person"** includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

**"Principally Above Ground"** means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

**"Recreational Vehicle"** means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Remedy A Violation"** means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

**"Repetitive Loss"** means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred. **"Risk Premium Rates"** means those rates established

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by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles.

**"Riskpremium rates"** include provisions for operating costs and allowances.

**"Special Flood Hazard Area"** see *"area of special flood hazard."*

**"Special Hazard Area"** means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A and AE

**"Start of Construction"** includes substantial-improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The *actual start* means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the *actual start of construction* means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"State Coordinating Agency"** means that agency of the state government, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

**"Structure"** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *"Structure"* for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

**"Substantial Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term includes Repetitive Loss buildings (see definition).

For the purposes of this definition, "repair" is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

The term does not apply to:

Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or

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Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”, or

Any improvement to a building.

**“Substantial Improvement”** means any combination of reconstruction, alteration, or improvement to a building, taking place during a 10-year period, in which the cumulative percentage of improvement equals or exceeds fifty percent of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether that alteration affects the external dimensions of the building. This term includes structures, which have incurred “repetitive loss” or “substantial damage”, regardless of the actual repair work done.

The term does not apply to:

any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or

Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” Or

Any building that has been damaged from any source or is categorized as repetitive loss.

\*\* Recommend development of written and adopted policy and procedure.

**“Substantially improved existing manufactured home parks or subdivisions”** is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**“Variance”** means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

**“Violation”** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this chapter is presumed to be in violation until such time as that documentation is provided.

**“Water Surface Elevation”** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.

(Code 2021, Chapter 10; Ord. No.397, 6/16/2015)

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Bill Number	Ordinance Number	Description of Ordinance	Date Enacted
88	89	Creates floodway & floodway fringe districts	7/9/1977
140	142	Flood Plain Management	2/13/1990
395	397	Floodplain Ordinance - this ordinance appears to repeal 142 & 89	6/16/2015



CODE

CHAPTER 11 – JUNK AND JUNK DEALERS

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CHAPTER 11 JUNK AND JUNK DEALERS (RESERVED)

CODE

CHAPTER 12 – LICENSES

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CHAPTER 12    LICENSES (RESERVED)

CHAPTER 13 – MOTOR VEHICLES AND TRAFFIC

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CHAPTER 13 MOTOR VEHICLES AND TRAFFIC

*Article I* GENERAL TRAFFIC GUIDELINES

**Section 13-1) Definitions**

GL.300.010. The following words and phrases when used in this ordinance mean:

"Alley" or "alleyway", any street with a roadway of less than twenty feet in width;

"All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of six hundred pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, and handlebars for steering control;

"Authorized emergency vehicle", a vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the state highway patrol, police or fire department, sheriff or constable or deputy sheriff, traffic officer or any privately owned vehicle operated as an ambulance when responding to emergency calls;

"Business district", the territory contiguous to and including a highway when within any six hundred feet along the highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway;

"Central business (or traffic) district", all streets and portions of streets within the area described by city ordinance as such;

"Commercial vehicle", every vehicle designed, maintained, or used primarily for the transportation of property;

"Controlled access highway", every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway;

"Crosswalk", (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway;

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;

"Curb loading zone", a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials;

"Driver", every person who drives or is in actual physical control of a vehicle;

"Freight curb loading zone", a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight (or passengers);

"Highway", the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

"Intersection", (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

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### CHAPTER 13 – MOTOR VEHICLES AND TRAFFIC

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(b) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection;

"Laned roadway", a roadway which is divided into two or more clearly marked lanes for vehicular traffic;

"Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and motorized bicycles;

"Motorcycle", every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor;

"Motorized bicycle", any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground;

"Official time standard", whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in the city;

"Official traffic control devices", all signs, signals, markings and devices not inconsistent with this ordinance placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic;

"Park" or "parking", the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

"Passenger curb loading zone", a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers;

"Pedestrian", any person afoot;

"Person", every natural person, firm, copartnership, association or corporation;

"Police officer", every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations including the City Marshal;

"Private road" or "driveway", every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons;

"Railroad", a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;

"Railroad train", a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

"Residence district", the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business;

"Right-of-way", the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other;

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"Roadway", that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively;

"Safety zone", the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone;

"Sidewalk", that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians;

"Stand" or "standing", the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers;

"Stop", when required, complete cessation from movement;

"Stop" or "stopping", when prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal;

"Street" or "highway", the entire width between the lines of every way publicly maintained when any part thereof is open to the uses of the public for purposes of vehicular travel. "State highway", a highway maintained by the state of Missouri as a part of the state highway system;

"Through highway", every highway or portion thereof on which vehicular traffic is given preferential rights-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield rights-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this ordinance;

"Traffic", pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel;

"Traffic control signal", any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed;

"Traffic division", the traffic division of the police department of the city, or in the event a traffic division is not established, then said term whenever used herein shall be deemed to refer to the police department of the city;

"Vehicle", any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers or motorized wheelchairs operated by handicapped persons.

(L 1965 p. 445 § 1, A.L. 1980 H.B. 995 & 1051, A.L. 1988 H.B. 990)

Effective 4-19-88

#### **Section 13-2) Police administration**

GL.300.015. There is established in the police department of each city adopting this ordinance a traffic division to be under the control of an officer of police appointed by and directly responsible to the chief of police/city marshal.

(L. 1965 p. 445 § 2)

#### **Section 13-3) Duty of traffic division**

GL.300.020. The traffic division will consist of all duly appointed and elected law enforcement personnel in the City of Glenaire and shall enforce the street traffic regulations of the city and all of the state vehicle laws applicable to

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street traffic in the city, to make arrests for traffic violations, to investigate accidents and to cooperate with the Board of Aldermen and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the division by this ordinance and the traffic ordinances of the city.

(L. 1965 p. 445 §3)

#### **Section 13-4) Records of traffic violations**

GL.300.025.1. The police department shall keep a record of all violations of the traffic ordinances of the city or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five-year period and from that time on the record shall be maintained complete for at least the most recent five-year period.

2. All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.

3. All such records and reports shall be public records.

(L 1965 p. 445 §4)

#### **Section 13-5) Traffic division to investigate accidents**

GL.300.030. It shall be the duty of the traffic division, assisted by other police officers of the department, to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents. (L 1965 p. 445 § 5)

#### **Section 13-6) Traffic accident studies**

GL.300.035. Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the Board of Aldermen in conducting studies of such accidents and determining remedial measures.

(L. 1965 p. 445 §6)

#### **Section 13-7) Traffic accident reports**

GL.300.040. The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the Board of Aldermen.

(L. 1965 p. 445 §7)

#### **Section 13-8) Driver files to be maintained**

GL.300.045. The police department or the traffic division thereof shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions, and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

(L. 1965 p. 445 § 8)

#### **Section 13-9) Traffic division to submit annual traffic safety report**

GL.300.050. The traffic division shall annually prepare a traffic report which shall be filed with the mayor. Such report shall contain information on traffic matters in the city as follows:

The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;

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The number of traffic accidents investigated and other pertinent data on the safety activities of the police;

The plans and recommendations of the division for future traffic safety activities. (L. 1965 p. 445 §9)

#### **Section 13-10) Traffic division to designate method of identifying funeral processions**

GL.300.055. The traffic division shall designate a type of pennant or other identifying insignia to be displayed upon, or other method to be employed to identify, the vehicles in funeral processions.

(L. 1965 p. 445 § 10)

GL.300.060. Reserved

#### **Section 13-11) Emergency and experimental regulations**

GL.300.065.1. The chief of police/ city marshal by and with the approval of the Board of Aldermen is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety days.

The Board of Aldermen may test traffic control devices under actual conditions of traffic.

(L. 1965 p. 445 §12)

GL.300.070. Reserved

#### **Section 13-12) Authority of police and fire department officials**

GL.300.075.1. It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police/ city marshal to enforce all traffic laws of the city and all of the state vehicle laws applicable to traffic in the city.

Officers of the police department or such officers as are assigned by the chief of police/ city marshal are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

Officers of the fire department, when at the scene of an incident, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

(L. 1965 p. 445 § 14, A.L. 2002 H.B. 1270 and H.B. 2032)

#### **Section 13-13) Obedience to police and fire department officials**

GL.300.080. No person shall knowingly fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

(L. 1965 p. 445 § 16, A.L. 2002 H.B. 1270 and H.B. 2032)

#### **Section 13-14) Careless and imprudent Driving**

GL.300.081 Any person who drives any vehicle carelessly and heedlessly in willful or wanton disregard of the rights or safety of others, or without due caution and circumspection, at a speed or in a manner so as to endanger any person or property, shall be guilty of careless and imprudent driving.

#### **Section 13-15) Driving under the influence of liquors or drugs**

GL.300.082.1 No person shall operate a motor vehicle in said city while in an intoxicated condition, or while under the influence of intoxicants or drugs.

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GL.300.082.2 No person shall operate a motor vehicle in said city when said person has eight hundredths of one per cent (0.08%) or more by weight of alcohol in his blood. As used in this subsection, per cent by weight of alcohol in the blood shall be based on grams of alcohol per one hundred (100) millimeters of blood and may be shown by chemical analysis of the person's blood, breath, saliva or urine.

#### **Section 13-16) Drivers Licenses**

GL.300.083.1 No person shall operate a motor vehicle in the city without having in his possession, at all times while operating any motor vehicle, a valid and current operator's, driver's or chauffeur's license or a permit duly issued or authorized by the state.

GL.300.083.2 No person, while within the limits of the City of Liberty, shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven in the city by any person who does not have in possession such license or permit of such person.

GL.300.083.3 Any resident or nonresident whose operator's or chauffeur's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in RSMo. 302.010—302.260 shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under RSMo. 302.010-RSMo 302.260.

#### **Section 13-17) State Vehicle license tags required: how displayed**

GL.300.084 No person shall operate or park a motor vehicle or trailer on a public street or roadway within the city without displaying thereon the license plate or plates required by the State of Missouri or by the state in which such vehicle is registered, which plate or plates shall be valid at the time such vehicle is so operated or parked within the city. Each state license plate shall be securely fastened to the motor vehicle or trailer in a manner so that all parts thereof, including any or all stickers, shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. License plates for motor vehicles shall be displayed on that vehicle at a height of not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up.

Persons propelling push carts or riding animals to obey traffic regulations. GL.300.085. Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this ordinance applicable to the driver of any vehicle, except those provisions of this ordinance which by their very nature can have no application.

#### **Section 13-18) Use of coasters, roller skates and similar devices restricted**

GL.300.090. No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by ordinance of the city.

(L 1965 p. 445 §18)

#### **Section 13-19) Public employees to obey traffic regulations**

GL.300.095. The provisions of this ordinance shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county, or city, and it shall be unlawful for any said driver to violate any of the provisions of this ordinance, except as otherwise permitted in this ordinance.

(L 1965 p. 445 §19)



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#### **Section 13-20) Authorized emergency vehicles-permitted acts of drivers**

GL.300.100.1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

The driver of an authorized emergency vehicle may:

Park or stand, irrespective of the provisions of this ordinance;

Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

Exceed the maximum speed limits so long as he does not endanger life or property;

Disregard regulations governing direction of movement or turning in specified directions.

The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by siren or while having at least one lighted lamp exhibiting a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, RSMo.

The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(L. 1965 p. 445 § 20, A.L. 2002 H.B. 1270 and H.B. 2032)

#### **Section 13-21) Operation of vehicles on approach of authorized emergency vehicles**

GL.300.105.1. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

2. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (L. 1965 p. 445 § 21, A.L. 2002 H.B. 1270 and H.B. 2032)

#### **Section 13-22) Immediate notice of accident within city**

GL.300.110. The driver of a vehicle involved in an accident within the city resulting in injury to or death of any person or total property damage to an apparent extent of five hundred dollars or more to one person shall give, or cause to be given, notice of such accident to the police department as soon as reasonably possible.

(L. 1965 p. 445 § 22, A.L. 1979 H.B. 167, A.L. 2002 H.B. 1270 and H.B. 2032)

#### **Section 13-23) Use of Seat Belts in passenger cars**

GL.300.111.1 As used in this section, the term "passenger car" means every motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons; except that, the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles or trucks with a licensed gross weight of twelve thousand pounds (12,000 lbs.) or more.

GL.300. III .2(b) Each driver, except persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicle, or which require

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frequent entry into and exit from their vehicles, and front seat passenger of a passenger car manufactured after January 1, 1968 operated on a street or highway in this city, and persons less than eighteen (18) years of age operating or riding in a truck, regardless of the gross weight of the truck, on any street or highway in this city, shall wear a properly adjusted and fastened safety seat belt that meets federal National Highway, Transportation and Safety Act requirements. A child less than eight (8) years of age shall be protected as required by State Law. Each driver of a motor vehicle transporting a child eight (8) years of age or more, but less than sixteen (16) years of age, in any seat of the motor vehicle shall secure the child in a properly adjusted and fastened safety seat. No person shall be stopped, inspected, or detained solely to determine compliance with this subsection, except that, officers viewing persons between the age of eight (8) and sixteen (16) riding in a passenger car without a properly adjusted and fastened seatbelt may stop that vehicle to gain compliance with this section. The driver is responsible for those under the age of sixteen (16) in passenger cars and under the age of eighteen (18) in trucks. If there are more persons than safety seatbelts in the enclosed area of the passenger car, there is no violation for anyone inside the vehicle for the proper use of a safety seatbelt.

GL.300.111.3 It shall be an affirmative defense to operating a passenger car without an authorized seatbelt when there is medically certified evidence by a licensed medical physician of this state that such persons would be likely to injure themselves when wearing such device.

GL.300.111.4 The driver who violates the provisions of paragraph (b) of this section after July 1, 1987, shall be guilty of an infraction for which a fine not to exceed twenty dollars (\$20.00) may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs may be imposed if court costs have been assessed on any other charge arising out of the same occurrence. In no case shall points be assessed against any person for violation of this section

#### **Section 13-24) Written report of accident**

GL.300.115. The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of five hundred dollars or more to one person shall, within five days after such accident, forward a written report of such accident to the police department. The provisions of this section shall not be applicable when the accident has been investigated at the scene by a police officer while such driver was present thereat.

(L 1965 p. 445 § 23, A.L 1979 H.B. 167)

#### **Section 13-25) When driver unable to report**

GL.300.120.1. Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in section GL.300.110 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give, or cause to be given, the notice not given by the driver.

2. Whenever the driver is physically incapable of making a written report of an accident as required in section GL.300.115 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within five days after the accident make such report not made by the driver.

(L. 1965 p. 445 § 24)

#### **Section 13-26) Authority to install traffic control devices**

GL.300.130. The Board of Aldermen shall place and maintain traffic control signs, signals, and devices when and as required under the traffic ordinances of the city to make effective the provisions of said ordinances, and may place and maintain such additional traffic control devices as he may deem necessary to regulate traffic under the traffic ordinances of the city or under state law or to guide or warn traffic.

(L. 1965 p. 445 § 26)

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#### **Section 13-27) Manual and specifications for traffic control devices**

GL.300.135. All traffic control signs, signals and devices shall conform to the manual and specifications approved by the state highways and transportation commission or resolution adopted by the legislative body of the city. All signs or signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic control devices so erected and not inconsistent with the provisions of this ordinance shall be official traffic control devices.

#### **Section 13-28) Obedience to traffic control devices**

GL.300.140. The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this ordinance, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this ordinance.

(L. 1965 p. 445 §28)

#### **Section 13-29) When official traffic control devices required for enforcement purposes**

GL.300.145. No provision of this ordinance for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

(L. 1965 p. 445 §29)

#### **Section 13-30) Official traffic control devices-presumption of legality**

GL.300.150.1. Whenever official traffic control devices are placed in position approximately conforming to the requirements of this ordinance, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

2. Any official traffic control device placed pursuant to the provisions of this ordinance and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this ordinance, unless the contrary shall be established by competent evidence.

(L. 1965 p. 445 § 30)

#### **Section 13-31) Traffic control signal legend—right turn on red light, when**

GL.300.155. Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

Green indication

Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited;

Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection;

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Unless otherwise directed by a pedestrian control signal as provided in section GL.300.160, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

### Steady yellow indication

Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection;

Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in section GL.300.160, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

### Steady red indication

Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown except as provided in paragraph (b) of this subdivision;

The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red signal, may cautiously enter the intersection to make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the state highways and transportation commission with reference to an intersection involving a state highway, and local authorities with reference to an intersection involving other highways under their jurisdiction, may prohibit any such right turn against a red signal at any intersection where safety conditions so require, said prohibition shall be effective when a sign is erected at such intersection giving notice thereof;

Unless otherwise directed by a pedestrian control signal as provided in section GL.300.160, pedestrians facing a steady red signal alone shall not enter the roadway.

In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(L. 1965 p. 445 § 31, A.L. 1973 1st Ex. Sess. H.B. 26)

Effective 2-28-74

### **Section 13-32) Pedestrian control signals**

GL.300.160. Whenever special pedestrian control signals exhibiting the words "Walk" or "Don't Walk", or appropriate symbols, are in place, such signals shall indicate as follows:

"Walk", pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles;

"Wait" or "Don't Walk", no pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.

(L. 1965 p. 445 § 32, A.L. 2002 H.B. 1270 and H.B. 2032)

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### **Section 13-33) Flashing signals**

GL.300.165.1. 'Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

Flashing red (stop signal), when a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign;

Flashing yellow (caution signal), when a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

2. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in section GL.300.295 of this ordinance.

(L 1965 p. 445 §33)

### **Section 13-34) Lane direction control signals**

GL.300.170. When lane direction control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

(L 1965 p. 445 § 34)

### **Section 13-35) Display of unauthorized signs, signals or markings**

GL.300.175. No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

(L 1965 p. 445 §35)

### **Section 13-36) Interference with official traffic control devices or railroad signs or signals**

GL.300.180. No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

(L 1965 p. 445 § 36)

### **Section 13-37) Authority to establish play streets**

GL.300.185. The Board of Aldermen shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

(L 1965 p. 445 § 37)

### **Section 13-38) Play streets**

L.300.190. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

(L. 1965 p. 445 §38)

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#### **Section 13-39) The Board of Aldermen to designate crosswalks and establish safety zones**

GL.300.195. The Board of Aldermen is hereby authorized

To designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary;

To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

(L. 1965 p. 445 §39)

#### **Section 13-40) Traffic lanes**

GL.300.200.1. The Board of Aldermen is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

2. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making\* a lawful turning movement.

(L. 1965 p. 445 §40)

Word "marking" in original rolls.

#### **Section 13-41) State speed laws applicable**

GL.300.205. The state traffic laws regulating the speed of vehicles shall be applicable upon all streets within the city, except that the city may by ordinance declare and determine upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared when signs are in place giving notice thereof, but no city ordinance shall regulate the speed of vehicles upon controlled access highways of the state.

(L. 1965 p. 445 §41)

#### **Section 13-42) Regulation of speed by traffic signals**

GL.300.210. The Board of Aldermen is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

(L. 1965 p. 445 §42)

#### **Section 13-43) Required position and method of turning at intersection**

GL.300.215. The driver of a vehicle intending to turn at an intersection shall do so as follows:

Right turns: Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway, except where multiple turn lanes have been established.

Left turns on two-way roadways: At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right

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of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

Left turns on other than two-road roadways: At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered, except where multiple turn lanes have been established.

Designated two-way left turn lanes: Where a special lane for making left turns by drivers proceeding in opposite directions have been indicated by official traffic control devices:

A left turn shall not be made from any other lane;

A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a u-turn when otherwise permitted by law;

A vehicle shall not be driven in the lane for a distance more than five hundred feet. (L. 1965 p. 445 § 43. A.L. 2002 H.B. 1270 and H.B. 2032)

#### **Section 13-44) Authority to place and obedience to turning markers**

GL.300.220. 1. The Board of Aldermen is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

2. When authorized markers, buttons, or other indications are placed within an

intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

(L 1965 p. 445 §44)

#### **Section 13-45) Authority to place restricted turn signs**

GL.300.225. The Board of Aldermen is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

(L. 1965 p. 445 § 45)

#### **Section 13-46) Obedience to no-turn signs**

GL.300.230. Whenever authorized signs are erected indicating that no right or left or U- turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

Limitations on turning around.GL.300.235. The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

(L. 1965 p. 445 §47)

#### **Section 13-47) Authority to sign one-way streets and alleys**

GL.300.240. Whenever any ordinance of the city designates any one-way street or alley the city traffic engineer shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in

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place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

(L 1965 p. 445 §48)

#### **Section 13-48) One-way streets and alleys**

GL.300.245. Upon those streets and parts of streets and in those alleys described and designated by ordinance, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

(L. 1965 p. 445 §49)

#### **Section 13-49) Authority to restrict direction of movement on streets during certain periods**

GL.300.250.1. The Board of Aldermen is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The Board of Aldermen may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

2. It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this section.

#### **Section 13-50) Through streets designated**

GL.300.255. Those streets and parts of streets described by ordinances of the city are declared to be through streets for the purposes of sections GL.300.255 to GL.300.295. (L. 1965 p. 445 §51)

#### **Section 13-51) Signs required at through streets**

GL.300.260. Whenever any ordinance of the city designates and describes a through street it shall be the duty of the Board of Aldermen to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; provided, however, that at the intersection of two such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets as may be determined by the Board of Aldermen upon the basis of an engineering and traffic study.

(L 1965 p. 445 §52)

#### **Section 13-52) Other intersections where stop or yield required**

GL.300.265. The Board of Aldermen is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine whether vehicles shall stop at one or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every such place where a stop is required, or whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in subsection 1 of section GL.300.280, in which event he shall cause to be erected a yield sign at every place where obedience thereto is required.

(L 1965 p. 445 §53)

#### **Section 13-53) Stop and yield signs**

GL.300.270.1. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line,



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but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

2. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(L. 1965 p. 445 §54)

#### **Section 13-54) Vehicle entering stop intersection**

GL.300.275. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by subsection 2 of section GL.300.270, and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

(L 1965 p. 445 § 55)

#### **Section 13-55) Vehicle entering yield intersection**

GL.300.280. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right- of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection; provided, however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right-of-way.

(L 1965 p. 445 §56)

#### **Section 13-56) Emerging from alley, driveway or building**

GL.300.285. The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

#### **Section 13-57) Stop when traffic obstructed**

GL.300.290. No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

(L. 1965 p. 445 §59)

#### **Section 13-58) Obedience to signal indicating approach of train**

GL.300.295.1. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

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A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

2. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

(L. 1965 p. 445 §60)

#### **Section 13-59) Following emergency vehicle prohibited**

GL.300.300. The driver of any vehicle other than one on official business shall not follow any emergency vehicle traveling in response to an emergency call closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(L. 1965 p. 445 § 61, A.L 2002 H.B. 1270 and H.B. 2032)

#### **Section 13-60) Crossing fire hose**

GL.300.305. No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway or streetcar track, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

#### **Section 13-61) Driving through funeral or other procession**

GL.300.310. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this ordinance. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

(L. 1965 p. 445 §63)

#### **Section 13-62) Driving in procession**

GL.300.315. Each driver in a funeral or other procession shall drive as near to the righthand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

(L. 1965 p. 445 § 64)

#### **Section 13-63) Funeral procession to be identified**

GL.300.320. A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the traffic division. (L. 1965 p. 445 § 65)

#### **Section 13-64) When permits required for parades and processions**

GL.300.325. No funeral, procession or parade containing two hundred or more persons or fifty or more vehicles except the forces of the United States army or navy, the military forces of this state and the forces of the police and fire departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the chief of police/ city marshal and such other regulations as are set forth herein which may apply. (L. 1965 p. 445 § 66)

#### **Section 13-65) Vehicle shall not be driven on a sidewalk-prohibition on obstruction of bicycle lanes-drivers to yield to bicycles in designated bicycle lanes.**

GL.300.330. The driver of a motor vehicle shall not drive within any sidewalk area except as a permanent or temporary driveway. A designated bicycle lane shall not be obstructed by a parked or standing motor vehicle or

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other stationary object. A motor vehicle may be driven in a designated bicycle lane only for the purpose of a lawful maneuver to cross the lane or to provide for safe travel. In making an otherwise lawful maneuver that requires traveling in or crossing a designated bicycle lane, the driver of a motor vehicle shall yield to any bicycle in the lane. As used in this section, the term "designated bicycle lane" shall mean a portion of the roadway or highway that\* has been designated by the governing body having jurisdiction over such roadway or highway by striping with signing or striping with pavement markings for the preferential or exclusive use of bicycles.

(L 1965 p. 445 § 67, A.L 2005 H.B. 487 merged with S.B. 372)

Word "which" appears in original rolls of H.B. 487,2005.

#### **Section 13-66) Limitations on backing**

GL.300.335. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

(L. 1965 p. 445 § 68)

#### **Section 13-67) Opening and closing vehicle doors**

GL.300.340. No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(L. 1965 p. 445 §69)

#### **Section 13-68) Riding on motorcycles, additional passenger, requirements**

GL.300.345.1. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

The operator of a motorized bicycle shall ride only astride the permanent and regular seat attached thereto, and shall not permit more than one person to ride thereon at the same time, unless the motorized bicycle is designed to carry more than one person. Any motorized bicycle designed to carry more than one person must be equipped with a passenger seat and footrests for the use of a passenger.

(L. 1965 p. 445 § 70, A.L 1980 H.B. 995 & 1051)

Effective 6-20-80

#### **Section 13-69) Riding bicycle on sidewalks, limitations-motorized bicycles prohibited**

GL.300.347.1. No person shall ride a bicycle upon a sidewalk within a business district.

Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

No person shall ride a motorized bicycle upon a sidewalk.

(L 1965 p. 445 § 109. A.L 1980 H.B. 995 & 1051)

Effective 6-20-80

#### **Section 13-70) All-terrain vehicles, prohibited-exceptions, operation of all-**

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#### **terrain vehicles under an exception-prohibited uses-penalty.**

GL.300.348.1. No person shall operate an all-terrain vehicle, as defined in section

GL.300.010, upon the streets and highways of this city, except as follows:

All-terrain vehicles owned and operated by a governmental entity for official use;

All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation;

All-terrain vehicles whose operators carry a special permit issued by this city pursuant to section 304.013, RSMo.

No person shall operate an off-road vehicle, as defined in section 304.001, RSMo, within any stream or river in this city, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an offroad vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this state at such road crossings as are customary or part of the highway system. All law enforcement officials or peace officers of this state and its political subdivisions shall enforce the provisions of this subsection within the geographic area of their jurisdiction.

A person operating an all-terrain vehicle on a street or highway pursuant to an exception covered in this section shall have a valid license issued by a state authorizing such person to operate a motor vehicle, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty miles per hour. When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

No person shall operate an all-terrain vehicle:

In any careless way so as to endanger the person or property of another;

While under the influence of alcohol or any controlled substance; or

Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen years of age.

No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.

A violation of this section shall be a class C misdemeanor.

(L. 1988 H.B. 990, A.L. 1990 H.B. 1279, A.L. 2002 H.B. 1270 and H.B. 2032)

#### **Section 13-71) Riding bicycles, sleds, roller skates, by attaching to another vehicle, prohibited—pulling a rider behind vehicle prohibited**

GL.300.350. No person riding upon any bicycle, motorized bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway. Neither shall the driver of a vehicle knowingly pull a rider behind a vehicle.

(L. 1965 p. 445 §71, A.L. 1980 H.B. 995 & 1051, A.L. 2002 H.B. 1270 and H.B. 2032)

#### **Section 13-72) Controlled access**

GL.300.355. No person shall drive a vehicle onto or from any controlled access roadway except at such entrances and exits as are established by public authority.

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**Section 13-73) Railroad trains not to block streets**

GL.300.360. It shall be unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five minutes; provided that this section shall not apply to a moving train or to one stopped because of an emergency or for repairs necessary before it can proceed safely.

(L 1965 p. 445 § 75)

**Section 13-74) Driving through safety zone prohibited**

GL.300.365. No vehicle shall at any time be driven through or within a safety zone.

(L. 1965 p. 445 §79)

**Section 13-75) Pedestrians subject to traffic control devices**

GL.300.370. Pedestrians shall be subject to traffic control signals as heretofore declared in sections GL.300.155 and GL.300.160 of this ordinance, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in sections GL.300.370 to GL.300.410.

(L. 1965 p. 445 §81)

**Section 13-76) Pedestrians' right-of-way in crosswalks**

GL.300.375. 1. When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

Subsection 1 shall not apply under the conditions stated in subsection 2 of section GL.300.390.

Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

**Section 13-77) Pedestrians to use right half of crosswalks**

GL.300.380. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

(L 1965 p. 445 § 83)

**Section 13-78) Crossing at right angles**

GL.300.385. No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk. (L. 1965 p. 445 §84)

**Section 13-79) When pedestrian shall yield**

GL.300.390.1. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

The foregoing rules in this section have no application under the conditions stated in section GL.300.395 when pedestrians are prohibited from crossing at certain designated places.

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(L. 1965 p. 445 § 85)

#### **Section 13-80) Prohibited crossing**

GL.300.395.1. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.

No pedestrian shall cross a roadway other than in a crosswalk in any business district.

No pedestrian shall cross a roadway other than in a crosswalk upon any street designated by ordinance. No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

(L. 1965 p. 445 §86)

#### **Section 13-81) Obedience of pedestrians to bridge and railroad signals**

GL.300.400.1. No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given.

2. No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

(L. 1965 p. 445 §87)

#### **Section 13-82) Pedestrians walking along roadways**

GL.300.405.1. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

2. Where sidewalks are not provided any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

(L. 1965 p. 445 §88)

#### **Section 13-83) Drivers to exercise highest degree of care**

GL.300.410. Notwithstanding the foregoing provisions of sections GL.300.155 to

GL.300.410, every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

#### **Section 13-84) Distance to be maintained when overtaking a bicycle**

GL.300.411. The operator of a motor vehicle overtaking a bicycle proceeding in the same direction on the roadway, as defined in section GL.300.010, shall leave a safe distance when passing the bicycle, and shall maintain clearance until safely past the overtaken bicycle.

(L 2005 H.B. 487 merged with S.B. 372)

#### **Section 13-85) Standing or parking close to curb**

GL.300.415. Except as otherwise provided in sections GL.300.415 to GL.300.435, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb.

(L. 1965 p. 445 §112)

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#### **Section 13-86) Signs or markings indicating angle parking**

GL.300.420.1. The Board of Aldermen shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any federal-aid or state highway within the city unless the state highways and transportation commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

2. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street or upon any streetcar tracks.

(L. 1965 p. 445 § 113) ,

#### **Section 13-87) Obedience to angle parking signs or markers**

GL.300.425. On those streets which have been signed or marked by the city traffic engineer for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

(L. 1965 p. 445 § 114)

#### **Section 13-88) Permits for loading or unloading at an angle to the curb**

GL.300.430. 1. The Board of Aldermen is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein.

2. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

(L. 1965 p. 445 § 115)

#### **Section 13-89) Lamps on parked/moving vehicles**

GL.300.435.1. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred feet upon such street or highway no lights need be displayed upon such parked vehicle.

Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of five hundred feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closer to passing traffic. The foregoing provisions shall not apply to a motor driven cycle.

Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

The only headlight colors authorized to be displayed or used on a vehicle, whether moving or parked are White, Yellow or Amber. No neon lighting is to be displayed from the vehicle anywhere on its body, including the under carriage.

(L. 1965 p. 445 § 116)

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#### **Section 13-90) Stopping, standing or parking prohibited**

GL.300.440.1. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

Stop, stand or park a vehicle:

On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

On a sidewalk;

Within an intersection;

On a crosswalk;

Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the (traffic authority) indicates a different length by signs or markings;

Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

On any railroad tracks;

At any place where official signs prohibit stopping.

Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

In front of a public or private driveway;

Within fifteen feet of a fire hydrant;

Within twenty feet of a crosswalk at an intersection;

Within thirty feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway;

Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance (when properly signposted);

At any place where official signs prohibit standing.

Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

Within fifty feet of the nearest rail of a railroad crossing;

At any place where official signs prohibit parking.

No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

(L. 1965 p. 445 § 117)



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#### **Section 13-91) Parking not to obstruct traffic**

GL.300.445. No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(L. 1965 p. 445 § 118)

#### **Section 13-92) Parking in alleys**

GL.300.450. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

(L. 1965 p. 445 § 119)

#### **Section 13-93) Parking for certain purposes prohibited**

GL.300.455. No person shall park a vehicle upon any roadway for the principal purpose of:

Displaying such vehicle for sale; or

Repair such vehicle except repairs necessitated by an emergency.

(L. 1965 p. 445 § 121)

#### **Section 13-94) Parking adjacent to schools**

GL.300.460. 1. The Board of Aldermen is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

2. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

#### **Section 13-95) Parking prohibited on narrow streets**

GL.300.465.1. The Board of Aldermen is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed thirty feet.

2. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

(L. 1965 p. 445 § 123)

#### **Section 13-96) Standing or parking on one-way streets**

GL.300.470. The Board of Aldermen is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.

(L. 1965 p. 445 §124)

#### **Section 13-97) Standing or parking on one-way roadways**

GL.300.475. In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The Board of Aldermen is authorized to determine when

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standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

(L. 1965 p. 445 § 125)

**Section 13-98) No stopping, standing or parking near hazardous or congested places**

GL.300.480.1. The Board of Aldermen is hereby authorized to determine and designate by proper signs places not exceeding one hundred feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

2. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand, or park a vehicle in any such designated place.

**Section 13-99) Board of Aldermen to designate curb loading zones**

GL.300.485. The Board of Aldermen is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

(L. 1965 p. 445 § 127)

**Section 13-100) Permits for curb loading zones**

GL.300.490. The Board of Aldermen shall not designate or sign any curb loading zone upon special request of any person unless such person makes application for a permit for such zone and for two signs to indicate the ends of each such zone. The Board of Aldermen upon granting a permit and issuing such signs shall collect from the applicant and deposit in the city treasury a service fee of ten dollars per year or fraction thereof and may by general regulations impose conditions upon the use of such signs and for reimbursement of the city for the value thereof in the event of their loss or damage and their return in the event of misuse or upon expiration of permit. Every such permit shall expire at the end of one year.

(L. 1965 p. 445 § 128)

**Section 13-101) Standing in passenger curb loading zone**

GL.300.495. No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three minutes.

(L. 1965 p. 445 § 129)

**Section 13-102) Standing in freight curb loading zones**

GL.300.500. No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect.

**Section 13-103) Board of Aldermen to designate public carrier stops and stands**

GL.300.505. The Board of Aldermen is hereby authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs.

(L. 1965 p. 445 § 131)

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#### **Section 13-104) Stopping, standing and parking of buses and taxicabs regulated**

GL.300.510.1. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.

The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

(L. 1965 p. 445 §132)

#### **Section 13-105) Restricted use of bus and taxicab stands**

GL.300.515. No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

#### **Section 13-106) Application of ordinance**

GL.300.520. The provisions of this ordinance prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

(L. 1965 p. 445 § 134)

#### **Section 13-107) Regulations not exclusive**

GL.300.525. The provisions of this ordinance imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

(L. 1965 p. 445 §135)

#### **Section 13-108) Parking prohibited at all times on certain streets**

GL.300.530. When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described by ordinance.

(L. 1965 p. 445 § 136)

#### **Section 13-109) Parking prohibited during certain hours on certain streets**

GL.300.535. When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified by ordinance of any day except Sunday and public holidays within the district or upon any of the streets described by ordinance. (L. 1965 p. 445 § 137)

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### CHAPTER 13 – MOTOR VEHICLES AND TRAFFIC

#### **Section 13-110) Stopping, standing or parking prohibited during certain hours on certain streets**

GL.300.540. When signs are erected in each block giving notice thereof, no person shall stop, stand, or park a vehicle between the hours specified by ordinance of any day except Sundays and public holidays within the district or upon any of the streets described by ordinance.

(L 1965 p. 445 § 138)

#### **Section 13-111) Parking signs required**

GL.300.545. Whenever by this ordinance or any ordinance of the city any parking time limit is imposed, or parking is prohibited on designated streets it shall be the duty of the city traffic engineer to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

(L 1965 p. 445 § 140)

#### **Section 13-112) Commercial vehicles prohibited from using certain streets**

GL.300.550. In cases where an equally direct and convenient alternate route is provided, an ordinance may describe and signs may be erected giving notice thereof, that no persons shall operate any commercial vehicle upon streets or parts of streets so described except those commercial vehicles making deliveries thereon.

(L 1965 p. 445 §141)

#### **Section 13-113) When person charged may elect to appear at bureau**

GL.300.555.1. Any person charged with an offense for which payment of a fine may be made to the traffic violations bureau shall have the option of paying such fine within the time specified in the notice of arrest at the traffic violations bureau upon entering a plea of guilty and upon waiving appearance in court; or may have the option of depositing required lawful bail, and upon a plea of not guilty shall be entitled to a trial as authorized by law.

2. The payment of a fine to the bureau shall be deemed an acknowledgment of conviction of the alleged offense, and the bureau, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof.

(L 1965 p. 445 § 144)

#### **Section 13-114) Duties of traffic violations bureau**

GL.300.560. The following duties are hereby imposed upon the traffic violations bureau in reference to traffic offenses:

It shall accept designated fines, issue receipts, and represent in court such violators as are permitted and desire to plead guilty, waive court appearance, and give power of attorney;

It shall receive and issue receipts for cash bail from the persons who must or wish to be heard in court, enter the time of their appearance on the court docket, and notify the arresting officer and witnesses, if any, to be present.

(L. 1965 p. 445 § 145)

#### **Section 13-115) Traffic violations bureau to keep records**

GL.300.565. The traffic violations bureau shall keep records and submit to the judge's hearing violations of municipal ordinances summarized monthly reports of all notices issued and arrests made for violations of the traffic laws and ordinances in the city and of all the fines collected by the traffic violations bureau or the court, and of the final

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### CHAPTER 13 – MOTOR VEHICLES AND TRAFFIC

disposition or present status of every case of violation of the provisions of said laws and ordinances. Such records shall be so maintained as to show all types of violations and the totals of each. Said records shall be public records.

(L. 1965 p. 445 § 146, A.L. 1978 H.B. 1634) Effective 1-2-79

#### **Section 13-116) Additional duties of traffic violations bureau**

GL.300.570. The traffic violations bureau shall follow such procedure as may be prescribed by the traffic ordinances of the city or as may be required by any laws of this state.

(L. 1965 p. 445 § 147)

#### **Section 13-117) Forms and records of traffic citations and arrests**

GL.300.575.1. The municipality shall provide books containing uniform traffic tickets as prescribed by supreme court rule no. 37.46. Said books shall include serially numbered sets of citations in quadruplicate in the form prescribed by supreme court rule.

2. Such books shall be issued to the chief of police/ city marshal or his duly authorized agent, a record shall be maintained of every book so issued and a written receipt shall be required for every book. The judge or judges hearing municipal ordinance violation cases may require that a copy of such record and receipts be filed with the court.

The chief of police/city marshal shall be responsible for the issuance of such books to individual members of the police department. The chief of police/ city marshal shall require a written receipt for every book so issued and shall maintain a record of every such book and each set of citations contained therein.

(L. 1965 p. 445 § 150, A.L. 1978 H.B. 1634) Effective 1-2-79

#### **Section 13-118) Procedure of police officers**

GL.300.580. Except when authorized or directed under state law to immediately take a person before the municipal judge for the violation of any traffic laws, a police officer who halts a person for such violation other than for the purpose of giving him a warning or warning notice and does not take such person into custody under arrest, shall issue to him a uniform traffic ticket which shall be proceeded upon in accordance with supreme court rule no. 37.

(L. 1965 p. 445 § 151, A.L. 1978 H.B. 1634) Effective 1-2-79

#### **Section 13-119) Uniform traffic ticket to be issued when vehicle illegally parked or stopped**

GL.300.585. Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of the city or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a uniform traffic ticket or other citation for the driver to answer to the charge against him within seven days during the hours and at a place specified in the traffic ticket.

(L. 1965 p. 445 § 153, A.L. 2002 H.B. 1270 and H.B. 2032)

#### **Section 13-120) Warning of arrest sent upon failure to appear**

GL.300.590. If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear in response to a uniform traffic ticket affixed to such motor vehicle within a period of five days, the traffic violations bureau shall send to the owner of the motor vehicle to which the traffic ticket was affixed a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five days a warrant of arrest will be issued.

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## CHAPTER 13 – MOTOR VEHICLES AND TRAFFIC

### **Section 13-121) Cities may adopt ordinance by reference**

GL.300.600. This ordinance or any designated part thereof shall become effective in any city of the state upon the adoption thereof by the legislative body of the city by an ordinance appropriately describing this ordinance or the part thereof adopted. Upon such adoption by the city all ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

(L. 1965 p. 445 § 157)

(Code 2021, Chapter 13, Article I; Ord. No.304, 8/29/2006)

### *Article II* Traffic Control

#### **Section 13-122) Traffic Control Signs**

There shall be placed a traffic control sign for purpose of regulating traffic at the following designated intersections in the City of Glenaire, Missouri:

At the intersection of Adkins Road and Smiley Road, stop signs shall be erected on Adkins Road for southbound and northbound traffic and on Smiley Road for westbound traffic.

At the intersection of Adkins Road and Liberty Drive, a stop sign shall be erected on Adkins Road for northbound traffic.

At the intersection of Johnson Road and Liberty Drive, a stop sign shall be erected on Johnson Road for northbound traffic.

At the intersection of Johnson Road and Bingamans Drive, a stop signs shall be erected on Bingamans Drive for westbound traffic.

At the intersection of Adkins Road and Bingamans Drive, a stop sign shall be erected on Bingamans Drive for eastbound traffic.

At the intersection of Adkins Road and Bingamans Drive, a stop sign shall be erected on Bingamans Drive for eastbound traffic.

At the intersection of Southbrook Street and Lake Avenue, a stop sign shall be erected on Southbrook Street for northbound traffic.

At the intersection of Johnson Road and Melody Lane, a stop sign shall be erected on Melody Lane for westbound traffic.

At the intersection of Johnson Road and Reese Road, a stop sign shall be erected on Reese Road for westbound traffic.

At the intersection of Johnson Road and Painter Court, a stop sign shall be erected on Painter Court for westbound traffic.

At the intersection of Adkins Road and Melody Lane, a stop sign shall be erected on Melody Lane for eastbound traffic.

At the intersection of Adkins Road and Norton Avenue, a stop sign shall be erected on Norton avenue for westbound traffic.

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CHAPTER 13 – MOTOR VEHICLES AND TRAFFIC

At the intersection of Norton Avenue and Bonnie Lane, a stop sign shall be erected on Bonnie Lane for northbound traffic.

At the intersection of Norton Avenue and Campbell Drive, a stop sign shall be erected on Norton Avenue for eastbound traffic.

At the intersection of Smiley Road and Kirkland Avenue, a stop sign shall be erected on Kirkland Avenue for southbound traffic.

At the intersection of Smiley Road and Rex Road, a stop sign shall be erected on Rex Road for northbound traffic.

At the intersection of Smiley Road and Rex Road, a stop sign shall be erected on Rex Road for northbound traffic.

At the intersection of Smiley Road and Campbell Drive, a yield sign shall be erected on Smiley Road for westbound traffic.

At the intersection of Johnson Road and Lake Avenue, a yield sign shall be erected on Johnson Road for southbound traffic.

**Section 13-123) Dumping**

There shall be placed a No Dumping sign at the following designated areas in the City of Glenaire, Missouri:

At the intersection of Smiley Road and Campbell Drive around or near the bridge or on the banks of the Little Shoal Creek.

**Section 13-124) Penalties**

1. It shall be unlawful for any person to violate any traffic control sign erected in accordance with this ordinance, and any person found guilty or convicted or upon entry of a plea of guilty or nolo contendere for a violation of this ordinance, shall be subject to a fine in an amount not less than \$50.00 nor more than \$200.00 for each violation.
2. It shall be unlawful for any person to violate any No Dumping sign erected in accordance with this ordinance, and any person found guilty or convicted or upon entry of a plea of guilty or nolo contender for a violation of this ordinance, shall be subject to a fine in an amount not less than \$100.00 nor more than \$500.00 for each violation.

(Code 2021, Chapter 13, Article II; Ord. No. 414, 4/18/2018)

Bill Number	Ordinance Number	Description of Ordinance	Date Enacted
2	2	Speed limits/violations	10/2/1950
76	77	Automobiie/vehicle Nuisance - est. date	3/6/1976
82	83	Operation of Motor Vehicles/Enforcement - Repeals/replaces 2 and 77	6/5/1976
302	304	Model Traffic Ordinance (assume to repeal Ord. 83)	8/29/2006
412	414	Regulating traffic - stop signs, yield signs	4/18/2018

CHAPTER 14 – MISCELLANEOUS OFFENSES

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CHAPTER 14 MISCELLANEOUS OFFENSES

*Article I* IN GENERAL

**Section 14-1) Common Assault**

No person shall commit common assault within the City of Glenaire.

Any person who shall assault or beat or wound another, under such circumstances as not to constitute any other offense under this ordinance or the laws of the state, shall be guilty of common assault.

**Section 14-2) Disorderly Conduct**

Any person who, with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned, commits any of the following acts shall be deemed to have committed the offense of disorderly conduct:

Uses offensive, disorderly, threatening, abusive or insulting language, conduct or behavior.

Acts in such a manner as to annoy, disturb, interfere with, obstruct or be offensive to others or to any lawful assemblage.

Congregates with others on a public street and refuses to move on when ordered by the police.

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

Shouts or makes a noise either outside or inside a building during the nighttime to the annoyance or disturbance of any considerable number of persons.

Interferes with any person in any place by jostling against such person or unnecessarily crowding him or by placing a hand in the proximity of such person's pocket or handbag.

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

Frequents or loiters about any public place soliciting men for the purpose of committing a crime against nature or other lewdness.

Stands on sidewalks or street corners and makes insulting remarks to or about passing pedestrians or annoys such pedestrians.

Is engaged in some illegal occupation or who bears an evil reputation and with an unlawful purpose consorts with thieves and criminals or frequents unlawful resorts.

In any prosecution under subsection (10) of this section, the fact that the defendant is engaged in an illegal occupation or bears an evil reputation and is found consorting with persons of like evil reputation, thieves or criminals shall be prima facie evidence that such consorting was for an unlawful purpose.

Look, peers or peeps into or is found loitering around or within view of any window not on his own property with the intent of watching or looking through such window.

Any person who knowing the same to be false circulates or transmits to another or others, with intent that it be acted upon, any statement or rumor, written, printed or by word of mouth concerning the location of a bomb or other explosive is guilty of a misdemeanor. This section shall not apply to authorized statements made in connection with any authorized civil defense test or drill.

Commits a trespass on private property or on public property. Trespass, for the purpose of this provision, shall mean:



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### CHAPTER 14 – MISCELLANEOUS OFFENSES

Entering upon or refusing to leave any private property of another, either where such property has been posted with "No Trespassing" signs or where immediately prior to such entry, or subsequent thereto, notice is given by the owner or occupant, orally or in writing, that such entry, or continued presence, is prohibited.

The provisions of this section shall not apply to peaceful picketing, public speaking or other lawful expression of opinion not in contravention of other laws.

#### **Section 14-3) Disturbing the Peace**

No person shall willfully disturb the peace of any neighborhood, any family or of any person by loud or unusual noise, by offensive or indecent conversation or by threatening, quarrelling, challenging, or fighting, within the City.

#### **Section 14-4) Drunkenness**

It shall be unlawful for any person within the village to attend or be in any public place in a drunken or intoxicated condition.

As used in this section, the term "public place" includes but is not limited to any common carrier, building, street, lane, park or place of public resort, recreation, or amusement.

#### **Section 14-5) Fighting**

It shall be unlawful for anyone to engage in fighting within the city except in self-defense.

#### **Section 14-6) Fraud**

Every person who, with the intent to cheat and defraud, shall obtain or attempt to obtain, from any other person any money, property or other valuable thing or for the payment of any past due debt or other obligation of whatsoever form or nature by use of any trick or deception, or false or fraudulent representation or statement or pretense, or by any other means or instrument or device commonly called "the confidence game" or by means or by use of any false or bogus check or by means of a check drawn with intent to cheat and defraud on a bank in which the drawer of the check knows he has no funds or knows he has insufficient funds for the payment of such check, draft or order in full upon its presentation, shall be guilty of a misdemeanor.

#### **Section 14-7) Gambling**

Any and all gambling and betting is made unlawful and a crime against the state is hereby prohibited and made unlawful, when such acts are committed or carried on within the city.

It shall be unlawful for any person to set up or keep any table or gambling devices within the village commonly called A.B.C. faro bank, roulette wheel, equality, keno, slot machine, stand, punch board or device of whatever pattern, kind, make, however worked, operated and manipulated, or any kind of gambling table or gambling device adapted, devised and designated for the purpose of playing any game of chance for money or property, and it shall be unlawful to induce, entice or permit any person to bet or play at or upon any such table or gambling device or upon any game played by means of such table or gambling device or on the side of or against the keeper thereof.

#### **Section 14-8) Intoxicating Beverages – Consuming or Drinking in Public Places**

No person shall possess, consume, or drink any intoxicating liquor of any kind, or any beer, in or upon any public street or village owned property. It shall be unlawful for any person to drink intoxicating liquors or nonintoxicating beer upon any public street, park, alley, highway, open space or in any public garage or public parking area open to any used by the public; or in motor cars or other vehicles upon any public street, alley, park, highway, public garage, open space, parking area open for the use of the public; or other public place or upon any village property; or in any place open to the public wherein the consumption of intoxicating liquor or nonintoxicating beer is not permitted pursuant to the provisions of the ordinances of this village or the statutes of the state.

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### CHAPTER 14 – MISCELLANEOUS OFFENSES

#### **Section 14-9) Same – Selling, etc. in Public Places**

It shall be unlawful for any person to sell, solicit, barter or give away any wine, beer, whiskey or other intoxicating liquors on any public street or village owned property.

(Code 2021, § 14-1 through 14-9; Ord. No. 84, § 1 through 10, 6/5/1976)

#### **Section 14-10) Officers – Resisting Arrest, Interference with**

It shall be unlawful for any person within the city to resist any officer making arrests, or materially interfere with an officer in the discharge of his duties in enforcing the provisions of this ordinance and other ordinances of the city.

The term "officer", as used in this section, means any person commissioned by the city to perform police duties.

#### **Section 14-11) Property – Malicious Destruction**

It is hereby made unlawful for any person to maliciously destroy or damage any real or personal property located within the village.

(Code 2021, § 14-10 through 14-11; Ord. No. 84, § 14 through 15, 6/5/1976)

### *Article II* Firearms

#### **Section 14-12) Weapons, Carrying Dangerous or Concealed**

The carrying of concealed or dangerous weapons about his person by anyone within the village is hereby prohibited.

(Code 2021, § 14-12; Ord. No. 84, § 16, 6/5/1976)

#### **Section 14-13) Discharging Firearms within City limits**

It shall be unlawful to discharge any firearms or air guns in the City of Glenaire; provided, that this Section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty; nor to any citizen to discharge a firearm when lawfully defending his person or property.

(Code 2021, § 14-13; Ord. No. 113, § 1, 11/13/1984)

### *Article III* Municipal Court Appearance

#### **Section 14-14) Failure to Appear in Municipal Court**

Any person who willfully violates his promise to appear in the City of Glenaire Municipal Court, given at the time of the service of a summons or warrant notifying him of his court appearance date, shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

The Municipal Court may direct the issuance of a warrant for the arrest of any resident of this state or any nonresident upon whom process may be served in this state, who fails to appear to answer a traffic ticket or summons lawfully served upon him and against whom any information has been filed by the prosecuting attorney.

(Code 2021, § 14-14; Ord. No. 127, § 1 and 2, 7/1/1986)

### *Article IV* Penalties

#### **Section 14-15) Penalties for Violations in Articles I and II**

Any person found guilty of violating the provisions of this ordinance shall be fined not less than Five Dollars nor more than Five Hundred Dollars.

(Code 2021, § 14-15; Ord. No. 84, § 17, 6/5/1976; and Ord. No. 113, § 2, 11/13/1984)

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CHAPTER 14 – MISCELLANEOUS OFFENSES

**Section 14-16) Penalties for Violations of Article III**

Any person violating the provisions of Article III shall be deemed guilty of a misdemeanor and upon conviction of shall be subject to a fine or not less than \$1.00 nor more than \$500.00 or by imprisonment not to exceed 90 days or both such fine and imprisonment.

(Code 2021, § 14-16; Ord. No. 127, § 3, 7/1/1986)

Bill Number	Ordinance Number	Description of Ordinance	Date Enacted
83	84	Assault/Weapons/Alcohol/Nuisance/Fraud	6/5/1976
111	113	Prohibition of Firearms Discharge	5/1/1984
125	127	Procedures for Failure to Appear in Municipal Court	7/1/1986

CHAPTER 15 – NUISANCES

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CHAPTER 15 NUISANCES

*Article I* IN GENERAL

**Section 15-1) Definitions**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter and its corresponding ordinances shall be as follows:

“Building materials” shall mean materials which are not being used (or have not been used for a period in excess of ninety days) by builders, contractors, landowners, or any other person or entity, to make improvements, additions, alterations or repair to the resident’s property. These materials include but are not limited to brick, building block, stone, mortar, cement, concrete, covering material, fencing material, flooring, insulating material or insulation, lath and plaster, lumber, timber, roofing material, shake, shingle and siding.

“City” shall mean the City of Glenaire, Missouri.

“Garbage” shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, serving and non-consumption of food.

“Junk” shall mean secondhand, worn or discarded articles of poor quality and condition with little or no value.

“Noxious plants” shall mean any plant capable of poisoning, including, but not limited to, poison ivy, at any height or state of maturity.

“Occupant” shall mean any person who has a legal or equitable interest in a parcel of real property other than a fee interest, including a life tenant, tenant, lessee, tenant at will, tenant at sufferance, or adverse processor, as well as a person in possession or a person who has charge, care or control of the parcel of real property, as the agent or personal representative of the person holding legal title to a fee interest.

“Outdoor Storage” shall mean the keeping or maintaining outside of an enclosed structure.

“Owner” shall mean any person who alone, jointly or severally with others, shall have legal title to a fee interest in the parcel of real property, with or without accompanying actual possession thereof. The land records filed in the office of the recorder of deeds of Clay County, Missouri, and any other official record of such county or of the city, may be used to determine the identity of such owners, as hereinabove defined, as of the date of the notice of the violation.

“Parking space” shall mean an area on a lot sufficient to store one vehicle but shall not be less than nine (9) feet wide and twenty (20) feet in length and shall be connected to a public street or alley by a driveway not less than nine (9) feet wide. The parking space and connected driveway shall be constructed in such a way as to clearly define the boundaries between the parking space and the adjacent yard area. Minimally, it shall be constructed of at least six (6) inches of crusher-run rock, or equivalent, and shall be shaped and compacted.

“Person” shall mean and include any individual, firm, corporation, association, partnership, cooperative or governmental agency.

“Premises” shall mean any public or private property, vacant or occupied lot, plot, parcel of land, street, sidewalk, alley, boulevard, highway, right-of-way, park, parkway, public square, or viaduct, including the structures of buildings thereon.

“Rank weeds” shall mean all vegetation eighteen (18) inches or more in height, which may emit unpleasant or noxious odors, or transmit pollen into the air at any state of maturity; all vegetation, regardless of height, including thickets, which may conceal or invite filthy deposits, harbor rodents, refuse or vermin, or create a fire hazard.

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### CHAPTER 15 – NUISANCES

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“Refuse” shall mean unwanted or discarded waste materials in a solid or semisolid state consisting of garbage, rubbish, or a combination thereof.

“Rubbish” shall mean solid wastes consisting of combustible and noncombustible waste materials from residential apartments, commercial, industrial and institutional establishments, including yard wastes and items commonly referred to as “trash.”

“Thickets” shall mean dense growth of wild shrubbery having stems or trunks less than one (1) inch in diameter, and briar patches.

“Trash” shall mean unwanted or discarded waste materials in a solid or semisolid state, but not limited to garbage, ashes, sheet refuse, rubbish and discarded appliances.

“Vehicle” shall mean every device or implement in, upon or by which persons or property may be transported, moved, or carried, whether self-propelled, pushed or drawn, by any motive power whatever, except devices moved exclusively by human power, or moving exclusively upon fixed rails or tracks.

“Yard, Front” shall mean a yard across the full width of the lot and extending back from the front lot line to the front line of the main building.

“Yard, Rear” shall mean a yard between the rear lot line and the rear line of the main building and the side lot lines.

“Yard, Side” shall mean a yard between the main building and the adjacent side line of the lot, and extending from a front yard to the rear yard thereof.

“Yard Waste” shall mean grass clippings, leaves, garden waste and tree trimmings.

#### **Section 15-2) Nuisance Defined**

The word “Nuisance” is hereby defined as a person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition nor thing to be or exist, which act, omission, condition, or thing either:

injures or endangers the comfort, repose, health or safety of others; or,

offends decency; or,

is offensive to the senses; or,

unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage in a public or private street, highway, sidewalk, stream, ditch or drainage; or,

in any way renders other persons insecure in life of the use of their property; or,

essentially interferes with the comfortable enjoyment of life, property, or tends to depreciate the value of the property of others.

#### **Section 15-3) Nuisances Enumerated**

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance; providing, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- a. noxious weeds and other rank vegetation, grass and weeds eighteen (18) inches or higher;
- b. accumulation of rubbish, trash, refuse, junk, building materials, metals, or other things;
- c. any condition which provides harborage for rats, mice, snakes, and other vermin;

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### CHAPTER 15 – NUISANCES

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- d. the outdoor storage of any junk vehicle. "Junk vehicle" shall mean any damaged or disabled vehicle, parts thereof, or junk located on any property, street, or highway which presents a hazard to children, or harbors tall grass, weeds, or other vegetation, or creates a fire hazard, or affords a breeding place or nesting place for mosquitoes, flies, rodents, rats, or other vermin; any vehicle part or junk allowed to remain on any street or highway. A vehicle in the actual process of being repaired for a period not to exceed thirty (30) days shall not be considered a "junk vehicle" for purposes of this section;

Any person charged under Section 3(d) who presents at the time of his court appearance a receipt or order request dated prior to the date of the alleged violation, which former receipt represents parts ordered for the repair of said vehicle which has not yet been received by the defendant, shall be a defense to this section and permit the judge to grant the defendant additional time to repair said vehicle of thirty (30) days or less, depending upon the circumstances of each particular case in the discretion of the judge;

- e. Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located;
  - f. all unnecessary or unauthorized noises and annoying vibrations, including animal noises;
  - g. all disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the omission or generation of such odors and stenches;
  - h. the carcasses of animals or of fowl not disposed of within a reasonable time after death;
- the pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, industrial wastes or other substances;
- j. any building, structure or other place or location where any activity which is in violation of local, state, or federal law is conducted, performed or maintained;
  - k. any accumulation of stagnant water permitted or maintained on any lot or piece of ground;
  - l. dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities;
  - m. any repair of damaged vehicles or performing mechanical work on motor vehicles between the hours of 10:00 p.m. and 7:00 a.m.;
  - n. the storage of garbage, waste, animal or vegetable matter, or dead animals, unless said storage is in a galvanized metal container, and excepting any compost heap for vegetable, weed or grass matter only, limited to an area not exceeding ten (10) feet by ten (10) feet in the rear yard area of the residence, located not closer than two (2) feet from the side boundary and not closer than four (4) feet from the rear boundary, which is enclosed on three (3) sides;
  - o. the dumping of any garbage, waste, animal or vegetable matter, yard waste or dead animal on any of the streets, highways, alleys, storm culverts or public places within the City of Glenaire;
  - p. the outdoor storage of any inoperable vehicle. An "Inoperable vehicle" shall mean any damaged or disabled vehicle whether located on any property, street or highway, which is not presently able to lawfully operate on a public road or street by reason of its physical condition or because it does not have current license plates displayed on said vehicle within ten (10) days after the month in which the license plate has expired;
  - q. more than three (3) cats, three (3) dogs, or any combination thereof, over the age of six (6) months or any dangerous or vicious animal not properly confined or restrained;

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### CHAPTER 15 – NUISANCES

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- r. off-street parking of vehicles on that part of a residential front yard or rear yard other than a parking space;
- s. alive or dead tree which constitutes a hazard to the safety of persons or of property, private or public. The Mayor and/or members of the Board of Aldermen may enter at all reasonable times upon any privately-owned property for the purposes of inspection and investigation of any tree which might constitute a hazard.

#### **Section 15-4) Prohibited**

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.

### *Article II* ABATEMENT

#### **Section 15-5) Notice to Abate to be Given**

Whenever a nuisance is found to exist within the city, the mayor, or some other duly designated officer of the city, shall give five (5) days written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance. It will be unnecessary to provide more than one written notice per calendar year to anyone creating or causing or maintaining the same nuisance.

#### **Section 15-6) Notices to Abate shall Contain**

The notice to abate a nuisance issued under the provisions of this ordinance shall contain:

1. an order to abate the nuisance or to request a hearing within a stated time which shall be reasonable under the circumstances;
2. the location of the nuisance, if the same is stationary;
3. a description of what constitutes a nuisance;
4. a statement of acts necessary to abate the nuisance;
5. a statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the city may abate such nuisance and assess the costs thereof against such person.

#### **Section 15-7) Notices to Abate Served**

The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law.

#### **Section 15-8) Failure to Comply with Notice to Abate**

Upon the failure of the person on whom notice to abate a nuisance was served pursuant to the provision of these ordinances to abate the same, the mayor or duly- designated officer of the city may proceed to abate such nuisance and, if he elects to do so, he shall prepare a statement of costs incurred in the abatement thereof. If any person shall fail or refuse to abate a nuisance after receiving notice to provide it by city ordinances, every day the nuisance shall remain uncorrected after expiration of the time specified in said notice shall constitute a separate offense.

#### **Section 15-9) Abatement without Notice**

When in the opinion of the mayor or other designated officer, there is an actual and immediate danger to the public or occupants of a particular premises caused by a nuisance on such premises, the mayor or duly designated officer is hereby authorized and empowered, without any notice or hearing, to order and require such premises to be vacated. The mayor or other designated officer shall immediately post the premises, warning of the dangerous condition, and shall then abate such nuisance, and prepare a statement of costs incurred in the abatement thereof.

#### **Section 15-10) Assessment of Cost of Emergency Abatement**

The costs incurred in the abatement of a nuisance under this ordinance shall be certified by the mayor or person duly appointed by the board of aldermen for such purpose, to the city treasurer. Thereafter, the city treasurer shall

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### CHAPTER 15 – NUISANCES

cause a special tax bill therefor against the property to be prepared and collected by the city collector or a person duly appointed by the board of aldermen for such purpose, with other taxes assessed against the property. 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. The names of the owners shall be determined and taken from the assessment books used for the assessment and levy of general taxes by the city or clay county, and no defect or mistake in the books, or in the description therein of the lots of land, or in the names of such owners shall impair the validity of the lien on the land or bills issued thereon. The city treasurer shall immediately upon receipt of such certification enter the assessment therein contained in the appropriate books to be kept for that purpose showing the property assessed. Each special tax bill shall be issued by the city treasurer and delivered to the collector on or before the first day of June of each year.

#### **Section 15-11) Abatement after Notice; Public Hearing**

If a hearing is requested pursuant to the notice provided by Section 6 herein, the request is delivered to the mayor within said five (5) day time period, the mayor shall conduct a special hearing as soon as may be practical, but not earlier than five (5) days after notifying the occupant/owner of the hearing date, place and time, by personal service or by certified mail. This hearing must have a quorum of the board of aldermen to be convened and will be open to the public. At such hearing, the alleged occupant/owner shall have the right to be represented by counsel, to present testimony, and offer evidence and arguments. The city clerk will present a written record of this hearing.

The board of aldermen, upon such hearing, shall state in writing their findings of fact, conclusions of law, and their order, if they find such nuisance to exist, that the same be abated within said period of five (5) days and shall cause stated findings, conclusions and order to be served upon such occupant/owner in the same manner as provided for notice of such hearings.

#### **Section 15-12) Right of Entry on Premises for Inspection**

The mayor, or persons acting under his direction, upon entering the premises to abate the nuisance, shall not be guilty of trespass.

(Code 2021, § 15-1 through 15-12, Ord. No. 321, § 1 through 13, 3/18/2008)

### *Article III* PENALTIES

#### **Section 15-13) Penalties for violations of Chapter**

Any person who shall violate or fail to comply with the provisions of this chapter and its corresponding ordinances may, upon conviction, be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or confinement not to exceed ninety (90) days, or both a fine and imprisonment. For the first and all subsequent offenses under this Ordinance the minimum fine assessed shall be One Hundred Fifty Dollars (\$150.00)). Each act in which a person violates this Ordinance and each day a nuisance remains unabated shall be considered a separate incident and may be punished as a separate occurrence.

(Code 2021, § 15-13, Ord. No. 380, § 1, 1/15/2013)

#### **Section 15-14) Additional Penalties**

In addition to any other penalty provided by this ordinance, this ordinance, authorizes the prosecution of a civil cause of action before any court having jurisdiction over such codes or causes of action for the abatement of any nuisance in violation of this ordinance. Any person found liable for said violations shall, in addition to any other penalties provided by the court, including a permanent injunction, be responsible to pay the reasonable attorney fees of the city incurred in the prosecution of the claim and all court costs.

(Code 2021, § 15-14, Ord. No. 321, § 15, 3/18/2008)



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CHAPTER 15 – NUISANCES

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Bill Number	Ordinance Number	Description of Ordinance	Date Enacted
18	17	Weed control	11/18/1957
66	67	Litter Control: Public & Private	2/7/1973
67	68	Weed Nuisance	2/7/1973
68	69	General Nuisances	2/7/1973
83	84	Assault/Weapons/Alcohol/Nuisance/Fraud sect. re nuisance only	6/5/1976
167	169	Nuisance Ordinance	3/19/1996
315	317	Amend Section 10 of Ordinance 169	8/21/2007
319	321	<i>Nuisance Ordinance, Repeals and Replaces Nuisance Ordinance 169 in its Entirety and all other ordinances to the contrary</i>	3/18/2008
378	380	Amend Fine Amounts on Nuisance Ordinance #321	2/19/2013

CHAPTER 16 PLUMBING AND MECHANICAL CODES (RESERVED)

CHAPTER 17 – PURCHASING AND FINANCE

CHAPTER 17 PURCHASING AND FINANCE

*Article I* COMPETITIVE BID PROCESS

**Section 17-1) Threshold**

The Board of Aldermen will not require a legally posted advertisement for projects/expenditures under \$25,000.

**Section 17-2) Competitive Bids under Threshold**

The Board of Aldermen will make reasonable efforts to solicit 3 bids to be submitted on projects/expenditures requiring an outside vendor on expenditures under \$25,000.

(Code 2021, § 17-1 and 17-2, Ord. No. 343, § 1 and 2, 10/20/2009)

*Article II* CASH REIMBURSEMENT PROCESS

**Section 17-3) Cash Reimbursement Procedures**

For out-of-pocket expenses chargeable to the City of Glenaire, the Board of Aldermen shall pre-approve all expenses or series of expenses chargeable to the city prior to reimbursement by treasurer.

Regarding expenses which are part of a pre-approved series of expenses, all subsequent reimbursed amounts shall be presented to the board of aldermen for approval prior to submission to treasurer for reimbursement.

(Code 2021, § 17-3, Ord. No. 260, § 1 and 2, 11/11/2002)

*Article III* CONFLICT OF INTEREST

**Section 17-4) Conflict of Interest Procedures**

Reserved for Ordinance 417.

(Code 2021, § 17-4; Ord. No.417, 7/10/2018)

Bill Number	Ordinance Number	Description of Ordinance	Date Enacted
258	260	Cash Reimbursement Procedures	11/11/2002
305	307	Competitive Bid Process Procedures	10/17/2006
341	343	Establishing Threshold for Competitive Bid Process <i>Repeals 307</i>	10/20/2009
415	417	Conflict of Interest Procedures	7/10/2018

CHAPTER 18 – REFUSE, GARBAGE, AND SOLID WASTE DISPOSAL

CHAPTER 18 REFUSE, GARBAGE, AND SOLID WASTE DISPOSAL

*Article I* IN GENERAL

**Section 18-1) Establishment of Single Trash Hauler**

That the Board of Aldermen adopts the following provisions for the regulation of solid waste and the use of a single trash hauler within the City.

**Section 18-2) Definitions**

As used in this chapter:

"Additional Items for Pickup" means items not fitting in the subscriber's refuse container and as defined by the Bulk Item List (also known as Bulk Items).

"Asbestos" means the asbestiform varieties or sepeintinite, riebeckite, cummingtonitegrunerite, anthophyllite and actinolite.

"Asbestos-Containing Waste Materials" means those waste so identified by the Missouri Department of Natural Resources.

"Billed Units" means all Residential Units Subscribing to the collection of residential trash provided for by the City' Refuse Contractor shall be considered a Billing Unit.

"Bulk Items List" means those items not fitting in the subscriber's refuse container and included in the City's Refuse Contractor's Contract for collection.

"City" means the City of Glenaire, Missouri.

"City's Refuse Contractor" means the Contractor authorized by the City for the collection of solid waste garbage and rubbish.

"City's Recycling Contractor" means the Contractor authorized by the City for the collection of recyclable materials and the low bidder in the last bidding process.

"Container" means the approved containers or receptacles into which trash materials are placed by producers. All such receptacles are subject to standards set and approved by the City.

"Contract" means the actual performance Contract signed between the City and a single solid waste hauler, through an open and competitive Bidding process for the exclusive right to collect residential refuse in the City.

"Contract Documents" means the Advertisements for Bids, Information for Bidders, Contractor's Bid, Contractor's Bid Bond, the Contract Performance Bond, and any addenda or changes to the foregoing documents agreed to by the City and the Contractor. Additionally, all Supplemental Information for Bidders, Supplemental General Conditions, Change Orders, all laws referenced as written in full herein, all addenda issued and all modification to come are also Contract Documents.

"Contractor" means the City's Refuse Contractor authorized by the City for the exclusive col

"Curbside" means that portion of the right-of-way adjacent to paved or traveled City roadways, including the end of a driveway, curb line or alley line.lection of residential refuse.

"Delivery Site" means for a state approved location chosen by the City's Refuse Contractor, or as otherwise agreed.

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### CHAPTER 18 – REFUSE, GARBAGE, AND SOLID WASTE DISPOSAL

"Disposals Site" means an approved location where the City's Refuse Contractor disposes of trash collected in the City which is operated with an approved license to receive residential trash.

"Garbage" means all putrescible waste (except human excreta, sewage and other water carried waste, including vegetable and animal offal and carcasses of dead animals) and shall include all such substances from all public and private establishments and from all residences.

"Hazardous Waste" means those substances which, singularly or in combination, pose a significant present or potential threat to human health or to the environment, and which singularly or in combination, require special handling, processing or disposal because they are or may be flammable, explosive, reactive, corrosive, toxic, carcinogenic, bio-concentrative or persistent in nature, potentially lethal or an irritant or strong sensitizer.

"Holidays" means the following shall be holidays for purposes of solid waste garbage and rubbish collection New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. The City's Refuse Contractor shall not collect solid waste garbage and rubbish on the above listed holidays.

"Households" means Residential units.

"Occupied Residential Unit" means a residential unit shall be deemed occupied when either water or domestic light and power services are being supplied thereto.

"Pickup Location" means the location agreed to between the City's Refuse Contractor and the Subscriber where the Subscriber shall place their trash for pickup and the City's Refuse Contractor shall pickup said trash.

"Premises" means the land or buildings or both, occupied, by a householder or a commercial operator.

"Producer" means an occupant of a residential unit who generates trash and/or recyclable material.

"Solid Waste" means such unwanted residual solid or semi-solid materials as results from industrial, commercial, agricultural and community operations, excluding earth or material from construction, mining or demolition operations, or other waste materials of the type that would normally be in demolition debris, non-toxic fly ash, spent non-toxic foundry sand and slag and other substances that are not harmful or inimical to public health, and includes but is not limited to, garbage, tires, combustible and non-combustible material, street dirt and debris. Solid waste does not include any material that is an "infectious waste", a "hazardous waste", and "asbestos waste" or material defined under "recyclable material". The definition of solid waste shall include all garbage and rubbish as defined herein.

"Subscriber" means a resident of Glenaire, an owner of rental property in Glenaire and the City in so much as collection of trash from City Facilities, required to have trash collected by the City's Refuse Contractor. Residential Unit defines those properties whose owner shall become a Subscriber and is required by the terms of this Contract to have their garbage and rubbish collected.

(dd) "Recycling bin" means a storage unit provided by the City or its Recycling Contractor in which recyclable materials are to be place and commingled by the occupants of each billing unit, unless served by other storage units. Such bins must meet the requirements of the City and will be specified by the City. Only the City's Recycling Contractor shall be permitted to remove the contents of a recycling bin.

(ee) "Recyclable Material" means this term shall refer to recyclable materials in the form of glass, aluminum and steel containers, magazines, phone books, junk mail, mixed paper, newspaper, #1 and #2 plastics, and cardboard designated for removal from a residential or apartment unit. Materials may be added or removed from the designated listing by mutual agreement of the Recycling Contractor and the City.

(ff) "Required Services" means it shall include the collection and disposal of the trash for residential units in the City.

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### CHAPTER 18 – REFUSE, GARBAGE, AND SOLID WASTE DISPOSAL

(gg) "Residential Unit" means it shall include owner occupied and/or rented single family dwellings, duplex, triplex, boarding houses or other similar buildings with one or more billed units grouped under a common roof with facilities used or intended to be used by a single family for living, sleeping, cooking and eating purposes.

(hh) "Rubbish" means ashes, glass, crockery, tin cans, paper, boxes, rags and old clothing and all other similar non-putrescible wastes. The term "rubbish" shall not include any material such as earth, sand, brick, stone, plaster or other similar substances that may accumulate as a result of construction or demolition operations. For the purpose of this definition, "material from construction operations or demolition operations" are those items affixed to the structure being constructed or demolished, such as brick, concrete, stone, glass, wall board, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring and insulation, but excludes materials whose removal has been required prior to demolition.

(ii) "Refuse" means trash and discarded items listed as Additional Items for Pickup (also known as Bulk Items).

(jj) "Trash" means the component of Solid Waste that includes garbage and rubbish as defined herein but does not include recyclable materials.

(kk) "Yard Waste" means leaves, grass clippings, weeds, bushes and brush and branch clippings.

#### **Section 18-3) Collection and Disposal Deemed of Public Interest and Concern**

The system of collection and disposal of refuse by the City is hereby declared to be of public interest, purpose and concern. Pursuant to the City's powers under the State of Missouri Constitution and Statutes, the City is establishing the following for the betterment of the City, its aesthetics, its roads, and its ability to have trash collected on a reasonable expense basis, and on a timelier basis. The services provided in this ordinance shall be rendered to all persons upon compliance with all City regulations pertaining to such service.

Mandatory Subscriptions. All property owners in the City who utilize any refuse collection and disposal service shall subscribe to the refuse collection service of the City's Refuse Contractor. All property owners shall become mandatory subscribers unless Certification of Exception is obtained from the City.

#### **Section 18-4) Storage Containers for Trash**

Each subscriber shall place trash at the curb line, alley line or regular place of pick up, and shall provide for and bear the expense of providing the number of containers needed to properly dispose of the subscriber's refuse.

Carts and containers provided or approved by the City's Refuse Contractor are the only containers which shall be used.

The City's Refuse Contractor shall tag all containers which are unauthorized or unserviceable, which do not have serviceable handles for lifting and carrying, which have holes in the bottom, or which are otherwise not suitable for use. These tags shall advise the subscriber of the reason why the container may not be used.

The subscriber shall properly wrap, bag or bundle garbage before depositing it in collection containers. The City's Refuse Contractor shall not be required to collect animal wastes or disposable diapers unless they are wrapped in a moisture-proof material.

Residents will be required to place all items for pick up at their regular place of pick up, unless alternative arrangements are made with the City's Refuse Contractor.

Each container placed at the curb or alley as designated above, and each other item set out for collection, shall be placed at the location no earlier than 7:00 p.m. of the day before collection, in the locality as established by the City's Refuse Contractor. The containers shall be removed from the required designated location for pickup by 7:00 p.m. the day collection has taken place.

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### CHAPTER 18 – REFUSE, GARBAGE, AND SOLID WASTE DISPOSAL

Recyclable items eligible for the curbside recycling program maintained by the City's Refuse Contract shall be placed at the curb line or alley line in such separate and distinctly marked containers as shall be provided by the City's Refuse Contractor.

#### **Section 18-5) Additional Item (Bulk Item) Service**

The pick-up of additional items is subject to the charge listed for this service in the City's Refuse Contract. Additional items not fitting within approved containers shall be subject to established additional charges and collected by the City's Refuse Contractor as follows:

Bulk material (boards, fencing, paneling, carpeting, etc.) shall be in four foot lengths and tied in eighteen inch bundles, weighing not more than fifty pounds. The pick-up of these items is subject to the conditions and charge listed for this service in the City's Refuse Contract.

Loose material (rock, bricks, blocks, dirt, sand, cement, etc.) must be bagged, boxed or placed in trash cans and also subject to the above weight restrictions. Cardboard boxes used as receptacles will not be picked up if they have become wet. The pick-up of these items is subject to the conditions and charge listed for this service in the City's Refuse Contract.

Large items (discarded furniture, appliances, bicycles, etc.) shall be placed at the usual place of collection at the curb or alley line prior to the time of regular collection on the day of collection. The pick-up of these items is subject to the conditions and charge listed for this service in the City's Refuse Contract.

For items containing Freon the subscriber must notify the City's Refuse Contractor, prior to being placed at the point of collection by the resident. The pick-up of these items is subject to the conditions and charge listed for this service in the City's Refuse Contract.

Residents will be required to place all additional items for pick up at their regular place of pick up, unless alternative arrangements are made with the City's Refuse Contractor.

#### **Section 18-6) Prohibited Wastes**

No person shall deposit or cause to be deposited hazardous waste, asbestos, asbestos containing waste materials or infectious waste into any public or private garbage or rubbish receptacle.

#### **Section 18-7) Uncollected Garbage Declared a Nuisance**

Fermenting, putrefying or odoriferous garbage or refuse in containers or dumped in the open is hereby declared to be a nuisance and the person responsible therefore shall be guilty of violating this chapter.

#### **Section 18-8) Dumping on Public Places or Vacant Lots Prohibited**

No person shall throw or deposit or cause to be thrown or deposited, any refuse or garbage on any vacant lot, public thoroughfare or street or any public place and the person responsible therefore shall be guilty of violating this ordinance.

#### **Section 18-9) Supervision of Collection and Removal**

The collection and removal of garbage and rubbish shall be conducted under the supervision, direction, and control of the City and in strict conformance with the provisions of this ordinance and the rules of the City. The City's Refuse Contractor must adhere to the specific collection logistics as agreed to within the City's Refuse Contract.

#### **Section 18-10) Garbage Collection Permit**

No person shall collect or haul garbage or refuse upon the streets of the City, without first obtaining a permit from the City of Glenaire and complying with the provisions of this chapter and the rules and regulations of the City relative to such collection and removal.

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### CHAPTER 18 – REFUSE, GARBAGE, AND SOLID WASTE DISPOSAL

A schedule of residential rates that will be charged based upon both volume of container and frequency of collection for all refuse collection services rendered, shall be filed with the City. Rates for the other solid waste collection programs, as specified in the City's Refuse Contract, shall also be on file with the City.

Only the City of Glenaire's Refuse Contractor shall be permitted to collect refuse from subscribers as defined by this ordinance. Any person, firm or corporation responsible for collection of subscriber refuse and who is not the City's Refuse Contractor shall be guilty of violating this section.

#### **Section 18-11) Permit; Fee**

No person shall collect or transport rubbish within the City, unless possessing a valid, unrevoked permit. The permit shall be issued by the City only upon payment of the applicable annual fee, and only after the City has determined that the permittee is capable of complying with the requirements described herein. The City's Refuse Contractor must adhere to the performance bond specifications as set forth in the City's Refuse Contract.

#### **Section 18-12) Disposal Methods and Permit Revocation**

All refuse collected or transported within the City shall be disposed of in a manner as prescribed by the City. Collection permits shall be issued only to those collectors who can provide adequate equipment, reliable service and proper disposal methods. Failure to comply with the provisions of this chapter shall be cause for revocation of the permit by the City. The City's Refuse Contractor must adhere to the methodology of collection and other productivity and quality standards as outlined in the City's Refuse Contract, or the City reserves the right to exercise its option of terminating the Contract as set forth in the City's Refuse Contract.

#### **Section 18-13) Vehicle Inspection**

All vehicles used in the collection of refuse shall be subject to inspection by the City to ensure compliance with the provisions of this ordinance and any relative rules and regulations of the City, as well as specifications outlined in the City's Refuse Contract.

#### **Section 18-14) Vehicle Requirements; Covering and Spillage**

All refuse transported on the streets or other public thoroughfares in the City shall be in vehicles, the bodies of which are leak-proof and of easily cleanable construction and shall be completely covered.

Spillage or drainage from vehicles or subscriber containers shall be considered a misdemeanor, as specified in this Ordinance. It shall be a violation of this chapter for any person or Contractor to spill or drain refuse, or cause to have refuse spilled or drained, anywhere within the City. The individual or Contractor responsible for the aforementioned drainage or spillage, will have full logistical and financial responsibility for the immediate cleanup of such spillage or drainage. Failure to immediately cleanup such spillage or drainage shall be a violation of this ordinance.

#### **Section 18-15) Driver to Ensure Load to be Covered**

As set forth in the City's Refuse Contract, no driver of any motor vehicle or truck hauling refuse shall fail to have the load covered with a tarpaulin, canvas or other suitable covering so as to prevent the contents of the motor vehicle or truck from blowing, spilling or scattering on the streets and alleys of the City. Failure to secure the load shall be a violation of this ordinance.

#### **Section 18-16) Collection Rates**

There shall be a charge billed to each Subscriber by the City's Refuse Contractor for Refuse collection, the fee for which is set forth in the City's Refuse Contract as modified from time to time. The fee for Refuse collection will be assessed for each Subscriber based on level of service elected monthly but will be billed quarterly. The payment for the aforementioned service shall be remitted to the City's Refuse Contractor.



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### CHAPTER 18 – REFUSE, GARBAGE, AND SOLID WASTE DISPOSAL

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#### **Section 18-17) Billing; Failure to Remit Fees**

The charge billed to each Subscriber by the City's Refuse Contractor for refuse collection and not paid within thirty days of delivery of said invoice shall be a violation of this ordinance. The City's Refuse Contractor shall be permitted to terminate the subscriber's service after thirty days past due notice is delivered to the subscriber and a copy to the City.

#### **Section 18-18) Dumping Garbage in Public Receptacles Prohibited**

No person shall dump their residential refuse into the public receptacle provided on the public areas of the City.

#### **Section 18-19) Unlawful Periods of Accumulation**

No Subscriber shall keep refuse on any premises in the City for a longer period of time than that expiring between three consecutive collection dates when actual collections are made by the City's Refuse Contractor.

No subscriber, commercial, industrial, governmental, or institutional establishment shall keep waste of any kind on premises in the City for such a period of time as to endanger the health, welfare and safety of the residents of the City, as determined by the City.

#### **Section 18-20) Frequency of Service**

All subscribers shall receive refuse service at a frequency of at least once a week.

#### **Section 18-21) Rules and Regulations**

The City shall have full and complete authority to make such rules and regulations, not inconsistent herewith, pertaining to the collection and disposal of refuse, the collection and disposal of yard waste and the collection for recycling of recyclable material, as well as the administration thereof, as may be deemed advisable.

#### **Section 18-22) Liability Insurance Required**

At the time application is made for a solid waste collector's license the owner or operator of each vehicle for which such license is sought shall show proof that each such vehicle is covered by liability insurance in an amount of no less than five hundred thousand dollars (\$500,000.00) per person, one million (1,000,000.00) per occurrence per vehicle.

#### **Section 18-23) License Transfers**

Collector's licenses are not transferable.

#### **Section 18-24) Disposal of Solid Wastes**

No person collecting solid wastes within the City shall dispose of such wastes at a site not properly licensed in accordance with the laws of the State of Missouri.

#### **Section 18-25) License Revocation**

Violation by a collector, of one or more of the regulations imposed by this ordinance, may constitute grounds for the revocation by the City of a collector's license. Such a revocation may be for either a specific or an indefinite length of time and may be imposed regardless of whether or not the licensee involved has been convicted in a judicial proceeding of a violation of a requirement of this chapter. Notice of such revocation shall be sent by the City to the collector at the address provided in collector's application for licensing.

#### **Section 18-26) Penalty**

- (1) Whoever violates any provision of this Chapter shall be fined not more than five hundred dollars (\$500.00) or such amount as is permitted by State law, whichever is lower. Any such violation shall constitute a separate offense on each successive day continued.

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### CHAPTER 18 – REFUSE, GARBAGE, AND SOLID WASTE DISPOSAL

- (2) In the event of any conflicts between this ordinance and the provisions of the initial contract for a single hauler provider, the terms of the contract shall apply.
- (3) In the event of any conflict between this ordinance and any other ordinances of the City, the stricter provision shall apply.
- (4) This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen.

(Code 2021, § 18-1 through 18-26; Ord. No.405, § 1 through 4, 5/26/2016)

Bill Number	Ordinance Number	Description of Ordinance	Date Enacted
126	128	Solid Waste Mgt plan, repeals ord. 4 and section 3 of Ord 69	7/1/1986
	69	nuisance - section 3 repealed only - related to burning/noxious odors from	2/7/1973
403	405	Creating a single trash hauler system, appears to repeal 128	3/27/2016

CHAPTER 19 – SANITARY AND STORM SEWERS

CHAPTER 19 SANITARY AND STORM SEWERS

*Article I* SANITARY SEWER

**Section 19-1) Establishment of Sanitary Sewer System**

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare, and convenience of the City of Glenaire to collect charges from all users who contribute wastewater to the City's Treatment Works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining, and retiring the debt for such public wastewater treatment works.

(Code 2021, § 19-1; Ord. No.199, Art. 1, 7/21/1998)

**Section 19-2) Control over New and Existing Sewer Systems**

Nuisance caused by existing and/or man made systems shall be examined by the Mayor and the Board of Aldermen. When deemed appropriate a representative of the Health Department of Clay County will be consulted and then a decision made by the Board.

Any property that has an existing system, and after consultation with the Department of Health of Clay County is found not to meet state and county standards, shall be designated a nuisance and appropriate action taken. Property owners shall be given notification and sixty (60) days to correct the problem.

New systems must be approved by the City of Glenaire Mayor and Aldermen and/or designated inspector and will be connected to the Liberty sewer system according to current codes as written in "American Public Works Association" publications. Such publications shall be kept on file with the City of Glenaire documents.

(Code 2021, § 19-2; Ord. No.152, § 1 through 3, 3/17/1992)

**Section 19-3) Definitions**

Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter and its corresponding Ordinances shall be as follows:

"BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter (mg/l). "Normal Domestic Wastewater" shall mean wastewater that has a BOD concentration of not more than 250 mg/l and a suspended solids concentration of not more than 300 mg/l.

"Operation and Maintenance" shall mean all expenditures during the useful life of treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which works were designed and constructed.

"Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

"Residential Contributor" shall mean any contributor to the City's Treatment Works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

"Shall" is mandatory; "May" is permissive.

"SS" (denoting suspended solids) shall mean the solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

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### CHAPTER 19 – SANITARY AND STORM SEWERS

"Treatment Works" shall mean any devices and systems for the storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include interceptor sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application; or any other method or system of preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

"Useful Life" shall mean the estimated period during which the treatment works will be operated.

"User Charge" shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment works.

"Water meter" shall mean a water volume measuring and recording device, furnished and/or installed by the Public Water District No. 2 or furnished and/or installed by a user and approved by the Public Water District No. 2.

#### **Section 19-4) Sewer Operation Maintenance and Replacement Funds Established**

The user charge system shall generate adequate annual revenues to pay the costs of annual operation and maintenance including replacement and cost associated with debt retirement of bonded capital associated with financing the treatment works which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this Chapter and its corresponding Ordinances.

#### **Section 19-5) Operation, Maintenance and Replacement Funds Detailed**

That portion of the total user charge collected which is designated for the operation and maintenance including replacement purposes as established in Article IV, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two primary accounts as follows:

- a. The Operation and Maintenance Account shall be an account designed for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works. Deposits in the Operation and Maintenance Account shall be made quarterly from the operation and maintenance revenue in the amount of \$2,500.00 annually.
- b. The Replacement Account shall be an account designated for the purpose of ensuring replacement needs over the useful life of the treatment works. Deposits in the Replacement Account shall be made quarterly from the replacement revenue in the amount of \$2,600.00 annually.

#### **Section 19-6) Balances of Funds to be carried over**

Fiscal year-end balances in the Operation and Maintenance Account and the Replacement Account shall be carried over to the same accounts in each subsequent fiscal year and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance, and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance, and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

(Code 2021, § 19-3 through 19-6; Ord. No.199, Art. 2 through 3, 7/21/1998)

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CHAPTER 19 – SANITARY AND STORM SEWERS

Article II SANITARY SEWER RATES

Section 19-7) Sewer Rates Established

There is hereby imposed upon each user of the public sewer system a schedule of charges for the use of and the services rendered by the City’s wastewater facilities at the rate or rates hereinafter provided. The rate or rates imposed shall be based upon the quantity of water used in or on a user’s premises as the same is measured by a water meter or meters. The schedule of charges shall be established at a minimum sufficient to provide for the recovery of all costs for operation, maintenance, and replacement of the City’s wastewater facilities.

This article shall set the rates to be charged to users for the collection and treatment of sewage. Each user shall pay for the sewerage collection and treatment services provided by the City based on his, her, or its use of the system as determined by water meters acceptable to the City at the rate set forth on Ordinance number 202 Appendix A, as amended from time to time, attached hereto and incorporated herein by reference.

The City may, when necessary, estimate the billing and charges based upon past due, projected, or proposed use and the charges shall be computed and adjusted at least annually to computations from water use records of the user as supplied by the supplier of water, or if private supply should be available then based upon actual use and discharge of sewerage.

(Code 2021, § 19-7; Ord. No.202, § 1, 7/21/1998)

Section 19-8) Current Appendix A, Rate Schedule

City Board of Aldermen approved a change in the sewer user charge to \$4.13 base rate, plus \$10.42 per 1,000 gallons of water consumed. The user charge is based on fixed expenses as set out in Exhibit A, attached below.

Exhibit A: 2017 Sewer Rate Adjustment			
Billing and Collection:		\$3,146.40	
Maintenance Fund:		\$6,000.00	
Replacement Fund:		\$2,000.00	
Insurance:		\$150.00	
Number of Residential Connections Monthly:		228	
Base Rate:		\$4.13	
Cost to Replace 100 feet of sewer line and road			
Sewer	100 ft	30 Lines	3,000
Road	2,000 ft	20 Roads	40,000

(Code 2021, § 19-8; Ord. No.411 § 1, 5/8/2017)

Section 19-9) Winter Usage Clarified

The average winter usage per residence, as that term is used in Appendix A of this Chapter and its corresponding Ordinances shall mean the actual number of gallons used by each resident during the months of December, January, February, and March next preceding the calculation of the rates to be charged to users for the collection and treatment of sewage pursuant to Appendix A.

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### CHAPTER 19 – SANITARY AND STORM SEWERS

Notwithstanding the provisions of Section 1 of this Ordinance, 5,500 gallons, per month, shall be deemed to be the average winter usage for any residence under the following circumstances:

Where any customer has lived in said customer's residence for less than 4 months,

If a customer's actual average winter usage is zero ("0") gallons per month for any one or more months during the months of December, January, February, or March.

In determining the average usage, all gallons shall be rounded to the nearest 100th gallon. No comparison shall be made of the average usage to the current usage.

(Code 2021, § 19-9; Ord. No.208 § 1 through 3, 9/16/1998)

#### **Section 19-10) Billing, Delinquent Procedures**

- a. All users shall be billed monthly. Payments are due when billings are made. Any payment not received within fifteen days after the billing is made shall be delinquent and a 5% late charge shall be added to the current sewer charge, however, if the 15th day falls on a Saturday, Sunday or Holiday, no late charge will be assessed if payment is received by the close of the first business day following the Saturday, Sunday, or Holiday. When any bill is 30-days delinquent, rendition of water and/or sewer service to such premises shall be discontinued until such bill is paid following due notice and opportunity for hearing. If any delinquent account is placed with an attorney for collection, there is authorized a reasonable attorney's fees of not less than \$100.00 to be collected as part of the charges and costs.
- b. When the user (occupant) is delinquent in payment for thirty (30) days, the City shall make a good faith effort to notify the owner of the premises receiving such service of the delinquency and the amount thereof. Notwithstanding any other provisions of this Ordinance or state law to the contrary, when a user (occupant) is delinquent more than ninety (90) days, the owner shall not be liable for sums due for more than ninety (90) days of service. Any notice of termination of service shall be sent to both the user (occupant) and owner of the premises receiving such service.
- c. The City Clerk or designee shall be responsible to monitor said bills with Public Water District No. 2 of Clay County, Missouri, and to provide the required notices as required by this Chapter and its corresponding Ordinances.

(Code 2021, § 19-10, ¶ a; Ord. No.202 § 2, 7/21/1998; ¶ b and c; Ord. No. 318, § 1, 11/20/2007)

#### **Section 19-11) Additional Charges**

Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's Treatment Works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the Board of Aldermen.

(Code 2021, § 19-11; Ord. No.199, Art. 4, § 2, 7/21/1998)

#### **Section 19-12) Rate Review and Notification**

The City shall review the user charge system annually and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

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## CHAPTER 19 – SANITARY AND STORM SEWERS

The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation, and maintenance including replacement of the treatment works.

(Code 2021, § 19-12; Ord. No.199, Art. 6, 7/21/1998)

### *Article III* STORM SEWER

#### **Section 19-13) Adoption of Storm Sewer Standard Specification and Design Criteria**

Board of Aldermen has determined that it is in the best interest of the City of Glenaire, Missouri, to adopt the American Public Works Association (APWA) standard specifications and design criteria for storm drainage systems and facilities. The most current edition may be obtained through the City of Glenaire's City Clerk.

(Code 2021, § 19-13; Ord. No.401, § 1, 11/17/2015)

Bill Number	Ordinance Number	Description of Ordinance	Date Enacted
43	44	Liberty/Glenaire sewer agreement	7/25/1966
62	63	Sanitary Disposal Methods for Sewage/Septic	11/7/1970
93	94	Control Over new & existing sewage systems	12/9/1978
150	152	Delineation of New & Existing Sewer System	3/17/1992
164	166	User Fee Established for Sewer System	6/20/1995
165	167	Sewer Use and Regulations	6/20/1995
197	199	Reestablish Sewer Rates	7/21/1998
198	200	Sewer Rate Increase	7/21/1998
200	202	Amend Ordinance 166 to Reflect User Fees based on Water Usage	7/21/1998
206	208	Amend Ordinance 202 to Reflect User Fees based on Water Usage	9/16/1998
253	255	Increase Sewer Charges(\$16.00 Base+\$5.00/1000)	7/16/2002
310	312	Sewer Rate Increase (\$16.00 Base +\$6.90/1000 gallons)	3/20/2007
316	318	Sewer Notification to Property Owners	11/20/2007
330	332	Sewer Rate Adjustment (\$13.91 Base + \$6.26/1000 gallons)	2/17/2009
344	346	Sewer User Charge	2/19/2010
377	379	Setting Sewer Usage Charge For 2013	4/16/2013
399	401	Adopt KC metro (APWA) Storm Drainage specs	11/17/2015
409	411	Setting sewer usage change for 2017	5/8/2017

CHAPTER 20    SIGNS (RESERVED)



CHAPTER 21 – STREETS AND SIDEWALKS

CHAPTER 21 STREETS AND SIDEWALKS

*Article I* STREET CONSTRUCTION

**Section 21-1) Permit Required**

No public street, avenue, or roadway shall be established, dedicated or constructed without first obtaining a permit from the Board of Trustees of the City of Glenaire. Each permit shall be issued with the provision that the street shall be completed within six months of the date of issuance, and each permit shall expire six months from the date of issuance.

**Section 21-2) Minimum Standards**

The minimum standards for the construction of a street to be dedicated for public usage in the City of Glenaire shall be as set forth in Exhibit A and Exhibit B which are attached hereto and made a part hereof.

- (a) No street, avenue, or roadway shall be accepted by the City of Glenaire for maintenance until improvements have been made thereon no more than two hundred (200) feet apart for eighty (80) percent of the total frontage of such street.
- (b) No street, avenue, or roadway shall be accepted by the City of Glenaire for maintenance until construction of said street, avenue, or roadway is completed in accordance with this chapter and its corresponding ordinance.

**Section 21-3) Repairs of damages prior to public usage**

A street, avenue or roadway which has been constructed to the proper standards and specifications is often damaged by construction equipment and/or construction materials delivery vehicles before the street is accepted for public usage and maintenance. In such cases within the City of Glenaire, the Board of Aldermen of the City of Glenaire shall have the right to specify what repairs must be made at the developer's expense before dedication is accepted.

**Section 21-4) Authority regarding plats and subdivisions**

This chapter and its corresponding ordinance shall not in any way restrict or limit the authority, obligation, or powers of the City of Glenaire or its governing body with respect to the approval or dedication of plats and subdivisions under the law of the State of Missouri.

(Code 2021, § 21-1 through 21-4, Ord. No. 133, § 1 through 6, 3/3/1987)

*Article II* STREET REPAIRS, MINIMUM REQUIREMENTS

**Section 21-5) Safety Requirements**

All safety precautions regarding workers, pedestrians, traffic, notification of emergency services and service vehicles, or other matters of public safety and convenience shall be attended before street repairs are caused or addressed.

**Section 21-6) Documentation Requirements**

A form shall be submitted to the City with explanation of:

Date and time of incident requiring pavement to be excavated

Detailed description of the cause of the incident

Account of the work performed to address the incident

Estimated time of paving repair if beyond 5 working days of incident.

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### CHAPTER 21 – STREETS AND SIDEWALKS

Form to be signed and dated by representative or contact person.

#### **Section 21-7) Description of Repair Standards**

- (1) Paving penetrations shall require a minimum of three (3) feet per side.
- (2) Saw cuts are required before excavating paving material. Excavations made without saw cuts shall be cut a minimum of three (3) feet from all rough edges or one (1) foot beyond any detectable crack that extends beyond three (3) feet prior to repair.
- (3) Disturbed material below the paving must be replaced and compacted to 95% of maximum density at optimum moisture content. Third party testing results will be requested if compaction is in question by the City.
- (4) Paving shall be removed by the milling process to a depth of one and one-half (1.5) inches and a minimum of three (3) feet from all edges to facilitate installation of paving fabric.
- (5) Material shall be excavated six (6) inches below paving and a minimum of one (1) foot horizontally beneath paving opening. A concrete pad meeting standards for reinforcement and installation techniques shall replace the excavated material to the paving bottom elevation. Asphalt paving base material shall be compacted to within one and one-half (1.5) inches of finish grade. Paving reinforcement fabric shall be applied and finish grade asphalt paving applied and compacted to finish elevation and grade.

#### **Section 21-8) Minimum Guarantee of Repairs**

If within two years after the date of paving repairs or such longer period of time as may be prescribed by Laws or Regulations or by the terms of any applicable special guarantee required by any other documents, any work found to be defective, the repair facilitator shall, without cost to the City and in accordance with City written instructions, correct such defective work. If the repair facilitator does not promptly comply with the terms of such instructions, or in an emergency where delay would cause serious risk, loss or damage, the City may have the defective or rejected work corrected, and all direct, indirect, and consequential costs of such replacement (including but not limited to fees and charges of engineers, architects, attorneys and other professionals) will be paid by the repair facilitator.

(Code 2021, § 21-5 through 21-8; Ord. No.188, § 1 through 8, 9/16/1997)

### *Article III* PENALTIES

#### **Section 21-9) Penalties regarding Article I**

Any person constructing or maintaining a street, avenue or roadway for public usage in the City of Glenaire without complying with every term and condition of this Article and its corresponding Ordinance shall be deemed guilty of a misdemeanor and subject to a fine of not less than \$10.00 and not more than \$300.00 for each offense. Each day of the continuance of such breach of the terms and conditions of this Ordinance shall constitute a separate offense.

#### **Section 21-10) Penalties regarding Article II**

Any person who shall violate, fail, neglect or refuse to comply with any provision or requirements of this Article and its corresponding Ordinance shall, upon conviction, be fined not less than \$100.00 nor more than \$500.00.

(Code 2021, § 21-9; Ord. No.133, § 8, 3/3/1987; §21-10; Ord. No. 188, § 9, 9/16/1997)

CHAPTER 21 – STREETS AND SIDEWALKS

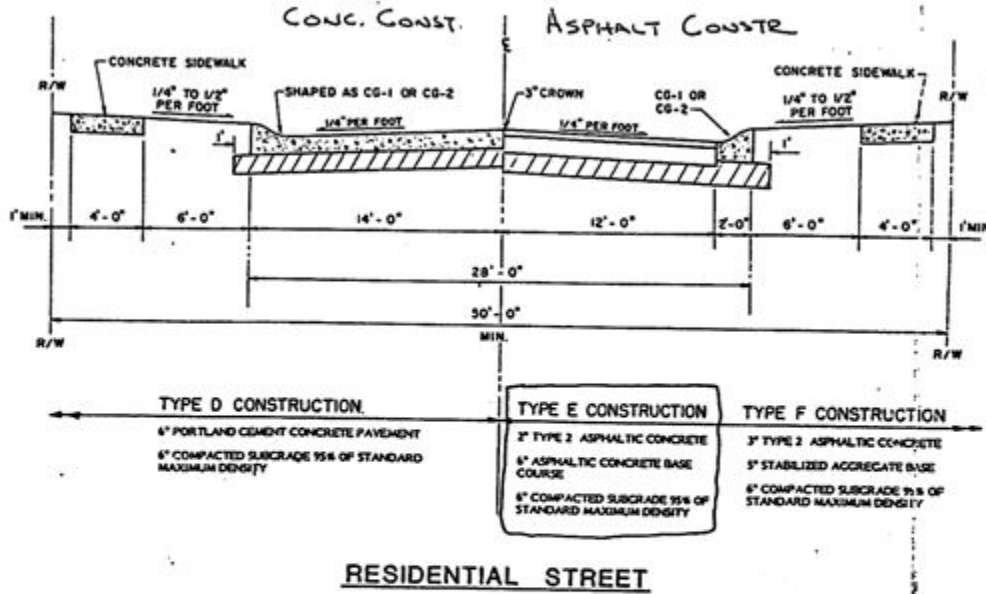
*Article IV* EXHIBITS

**Section 21-11) Exhibit A: Street Specifications for the City of Glenaire**

- (1) **Right-of-way.** Streets shall have a uniform right-of-way width of not less than fifty (50) feet. Any dead end street shall have a turnaround at the end having a right-of-way diameter of at least one hundred (100) feet.
- (2) **Pavement Width.** Streets shall be paved for a uniform width of twenty- four (24) feet with a crown of not less than three (3) inches at the center of the roadway. Dead end turnarounds shall be paved in a circle having a diameter of at least seventy-eight (78) feet.
- (3) **Curbing.** Curbing shall be constructed of concrete of a uniform width of two (2) feet and shall be shaped to conform to CG-1 or CG-2.
- (4) **Drainage:**
  - (a) All natural waterways shall be kept open. No water shall be diverted from one waterway into another. The course of any natural waterway shall not be changed without the written consent of the Board of Trustees of the Village of Glenaire.
  - (b) A property developer shall be responsible for street water drainage from that development and shall at their expense insure that street water drainage from their development does not encroach on any other private property or another public thoroughfare.
  - (c) All culverts under streets and driveways shall be 'corrugated, galvanized steel at least eighteen (18) inches in diameter, and at least twenty-eight feet in length. For street and/or length of driveway width.
- (5) **Specifications.** All streets constructed in the Village of Glenaire, Clay County, Missouri, which are to be dedicated for public usage shall conform to the standards and procedures set forth in the latest edition of the publication, Standard Specifications and Design Criteria, of the American Public Works Association, Kansas City Metropolitan Chapter, Division II, Construction and Material Specifications; Sections 2000, 2100, and 2200.
- (6) **Profile.** All streets developed in the Village of Glenaire, Clay County, Missouri, which are to be dedicated for public usage shall be of Type E construction as depicted in Exhibit B which is attached hereto and made a part hereof. Type E street construction consists of:
  - (a) six (6) inches of subgrade compacted to ninety- five (95) percent of standard maximum density,
  - (b) a six (6) inch asphaltic base course, and
  - (c) two (2) inches of Type 2 asphaltic concrete.
- (7) All of the above are to be constructed and applied as specified in the provisions of the relevant sections of the publication cited in Paragraph 5 of this Section.

CHAPTER 21 – STREETS AND SIDEWALKS

Section 21-12) Exhibit B Diagram of Street Specifications



AMERICAN PUBLIC WORKS ASSOCIATION  
 KANSAS CITY METRO CHAPTER

RESIDENTIAL STREET

STANDARD DRAWING  
 NUMBER ST-1  
 ADOPTED:  
 DECEMBER 15, 1982

(Code 2021, § 21-11 through 21-12, Ord. No. 133, § Exhibits A and B, 3/3/1987)

Bill Number	Ordinance Number	Description of Ordinance	Date Enacted
39	40	Street construction, repealed by 133	4/25/1966
50	51	Permit to excavate and make cuts in streets, appears to be repealed by 188	5/22/1967
131	133	Street Construction Standards	3/3/1987
186	188	Minimum Repairs Requirement for Streets	9/16/1997

CHAPTER 22 SUBDIVISIONS (RESERVED)

CHAPTER 23 – TRAILERS AND MOBILE HOMES

CHAPTER 23 TRAILERS AND MOBILE HOMES

*Article I* IN GENERAL

**Section 23-1) Definitions**

The following definitions shall control in construing the sections of this chapter:

A "trailer", "automobile trailer" or "trailer coach" shall mean any vehicle or structure so designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons and so designed that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.

A "trailer camp" or "trailer park" shall mean any park, court, camp, site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for two or more trailers and upon which any trailer are parked, and shall include all buildings used or maintained for use as part of the equipment thereof, whether a change is made for the use of the park and its facilities or not. "Trailer Park" shall not include automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

A "park unit" or "trailer unit" shall mean an area or a section of ground of not less than eight hundred square feet of unoccupied space in a trailer park, designated as the location for only one automobile or one trailer, or both.

**Section 23-2) Parking Outside of Trailer Park**

- (a) **Parking on streets.** It shall be unlawful for any person to park any trailer coach of any kind on any street or public place within the corporate limits of the village except as otherwise permitted by ordinance or permit from the Board of Trustees.
- (b) **Trailer coaches outside of trailer parks.** It shall be unlawful for any person to use or occupy any trailer coach except in a duly licensed trailer park. No person shall permit parking, use or occupancy of any trailer coach except in a duly licensed trailer park.
- (c) **Plumbing fixtures.** The use of trailer coach plumbing fixtures is prohibited unless the fixtures meet the requirements hereafter set forth.

**Section 23-3) Permit for Trailer Park; required, duration, fee, display**

No trailer park shall be maintained or operated within the city, except as provided in this ordinance and without first securing a permit.

The permit for a trailer park shall be obtained from the City Clerk after approval of the application of two members of the Board of Aldermen has been received, and the application has been approved by the mayor. A fee shall be paid at the rate of Three Dollars (\$3.00) for each trailer space in said park for the balance of the calendar year. Application for renewal of the permit shall be made on the first day of January of each ensuing year and a fee of Three Dollars (\$3.00) for each trailer space shall be paid.

The permit for a trailer<sup>1</sup> park must be conspicuously displayed in said park at all times.

**Section 23-4) Application**

The applicant for a permit to maintain and operate a trailer park shall, in his application, agree to observe all ordinances of the village relating to trailers and trailer parks and that a responsible attendant shall oversee the park

## CODE

### CHAPTER 23 – TRAILERS AND MOBILE HOMES

at all times. Such attendant shall supervise the park and, together with the holder of the permit, shall be responsible for any violation for the provisions of this ordinance which may occur in the operation of such trailer park.

With each application a park plan, indicating the information required in section 5, shall be submitted to the health director for inspection and approval. The application for a permit must include the name and address of the applicant and a legal description and complete plan of the proposed park, containing the information required by section 5 of this chapter.

#### **Section 23-5) Park Plan**

- (a) The trailer park must be located on a well-drained site suitable for the purpose and shall have an entrance and exit well marked and easily controlled and supervised. Entrances and exits shall be not more than twenty-five feet in width and shall be located at least twenty-five feet from any street intersection. Trailer parks shall have all-weather roads not less than ten feet wide for a one-way road or eighteen feet wide for a two-way road and shall be well drained, plainly marked in the daytime adequately lighted at night, and easily accessible to all trailer spaces. Walkways to the various buildings and facilities shall be hard-surfaced and adequately lighted.
- (b) The trailer park shall provide a lot or trailer space for each trailer, with boundaries to be indicated by corner markers, each space to be of not less than eight hundred square feet. Each trailer shall be located: (1) At least ten feet from any building; (2) at least as far from the front line of the lot as the nearest adjacent permanent building on the same street; and (3) at least four feet from the side or rear property line of the lot.
- (c) Adequate space shall be provided to afford: (1) Space for clothes drying adjoining laundry facilities; (2) locations for burning space and incinerator space.
- (d) The park plan required by section 4 of this chapter shall provide a legal description and map clearly setting out the following information:
  - (1) The extent and area to be used for park purposes.
  - (2) Driveways at entrances and exits, roadways and walkways.
  - (3) Location of sites for trailer coaches.
  - (4) Location and number of proposed sanitary conveniences, including proposed toilets, washrooms, laundries, laundry drying space, and utility rooms.
  - (5) Method and plan of sewage disposal.
  - (6) Method and plan of garbage removal.
  - (7) Plan of water supply.
  - (8) Plan of electric lighting.
  - (9) Incinerator and burning space.

#### **Section 23-6) Zoning of Trailer Parks**

Trailer parks shall be permitted only in such as provided for by the zoning ordinance of North Kansas City. In case the Board of Trustees shall modify the existing zoning requirements, trailer parks shall be permitted only in such districts as are permitted by such ordinances as so amended. No trailer park shall be located within three hundred feet of any church, school, or public library.

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### CHAPTER 23 – TRAILERS AND MOBILE HOMES

#### **Section 23-7) Water Supply in Trailer Parks**

All water provided at any trailer park shall be from the village water system. Water shall be available at convenient locations not more than two hundred feet from any trailer. No common drinking vessels shall be provided. If any drinking fountain is furnished, it shall be of an approved sanitary type. Waste from the water supply shall be emptied into a drain connected to an approved and sanitary disposal system. An abundant supply of hot water shall be provided at all times for bathing, washing and laundry facilities. No drinking water shall be made available in toilet compartments.

#### **Section 23-8) Toilets in Trailer Parks**

Each park shall have flush toilets in conveniently located buildings not more than two hundred feet from any trailer unit. The buildings for same shall be well lighted at all times, ventilated with screen openings and constructed of moisture-proof material permitting sanitary cleaning. The floors and bases shall be of concrete or similar hard-surfaced material with the floors slightly pitched to a drain. Plans showing the number and arrangement of toilets shall be submitted to the health director for approval. Separate toilets shall be provided for male and females with toilet stools at the rate of one toilet stool for each sex for each ten trailer spaces. Urinals may be substituted for twenty five percent of the required number of stools in male toilet compartments but there shall be not less than one urinal in each such compartment. Separate toilet compartments for each sex shall be provided.

#### **Section 23-9) Showers and Laundry Facilities; Slop Sinks for Trailer Coach Waste**

Separate bathing facilities for each sex shall be provided not more than two hundred feet from the most remote trailer space. Separate shower compartments shall be provided, with showers at the rate of one shower for each sex for each twelve trailer spaces. Each shower shall be in a space of not less than nine square feet with a dressing compartment adjacent of not less than twelve square feet. If laundry is permitted in said park, laundry facilities shall be provided in the ratio of one double tray and ironing board for each twenty trailer units. The construction of the showers, laundry and utility buildings shall meet the requirements set out in section 8 of this chapter.

If no local means of collection of the trailer coach waste is provided, the slop sinks shall be provided property connected to the sewerage system of a maximum distance of not more than one hundred feet from any trailer space.

#### **Section 23-10) Sewage and refuse disposal**

- a) Waste from showers, toilets, slop sinks and laundries shall be wasted into a public sewer system in a sanitary manner approved by the health director or if no public sewer connection is accessible, then into a private sewer and disposal plant or septic tank system approved by the health director.
- b) All kitchen sinks, lavatories, showers, and bathtub in any trailer coach located in a trailer park shall empty into an approved and sanitary receptacle or disposal system.
- c) Toilets and water closets in trailers not connected with an approved disposal system shall not be used, and it shall be unlawful to use or permit the use of such fixtures.

#### **Section 23-11) Garbage receptacles in trailer camps**

The park shall provide supervision and equipment sufficient to prevent littering the ground with rubbish and debris. Flytight metal depositories with tight-fitting covers shall be conveniently located not further than two hundred feet from any trailer coach. Depositories shall be kept in sanitary condition and covered at all times. Garbage and rubbish shall not be mixed.

#### **Section 23-12) Register of guests**

The park shall keep a record of all guests, noting:

- (a) the name and address of each occupant;
- (b) license numbers of all units;



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CHAPTER 23 – TRAILERS AND MOBILE HOMES

(c) the state issuing such licenses.

The operator of the park shall keep a copy of the registry available for inspection at any time by any authorized person and shall not destroy such a registry until the expiration of twelve months following the date of registration.

**Section 23-13) Compliance with Building Code; permanent additions to trailers; notice of communicable disease**

All plumbing and electrical installation and all construction work, alteration or repair in the park shall be done in accordance with the provisions of the Building Code as provided for in the ordinance of North Kansas City and as such ordinance may hereafter be amended.

It shall be the duty of the park attendant to notify immediately the health director of any communicable disease in the park.

**Section 23-14) Inspection**

Before any renewal of a trailer coach parking or trailer park permit, an inspection shall be made by the health director to determine that all the requirements of this chapter have been complied with.

**Section 23-15) Revocation or suspension of permits**

The director of health or his agent shall have the authority at any reasonable time to enter upon and inspect for health and sanitary purposes any facility licensed under this ordinance. If, upon inspection, it shall be found that the holder of a permit has violated any provision of the foregoing sections relating to trailers or trailer parks, the director of health shall have the power to revoke or suspend any permit and order the trailer removed or the trailer park closed after proper notice and hearing.

**Section 23-16) Penalty**

Any person found guilty of violating any provision of this ordinance, whether or not such violation shall be found sufficient by the director of health for revocation of any permit shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (<\$100.00).

(Code 2021, §23-1 through 23-26; Ord. No.70, § 1 through 16, 2/7/1973)

Bill Number	Ordinance Number	Description of Ordinance	Date Enacted
69	70	Trailer Parks	2/7/1973

CHAPTER 24 – UTILITY AGREEMENTS

CHAPTER 24 UTILITY AGREEMENTS

*Article I* CABLE TELEVISION

**Section 24-1) Kansas City Cable Partners DBA Time Warner Cable**

Ordinance number 214 approved a contract between the City of Glenaire, Missouri and Kansas City Cable Partners, doing business as Time Warner Cable. A copy of the contract, referenced in Ordinance number 214 as Appendix A, can be obtained from the City Clerk.

Pursuant to Part 5, Section 15. Of Appendix (A), said Agreement is modified to require payment by Time Warner Cable of a franchise fee to the City in an amount of five percent (5%) of its gross receipts.

(Code 2021, § 24-1, Ord. No. 214, § 1 and 2, 11/23/1998)

*Article II* ELECTRIC (ENERGY) PROVIDERS

**Section 24-2) Occupation Tax on Energy Providers**

The City of Glenaire, Missouri, (hereinafter referred to as the “Municipality”) hereby establishes an occupation tax on every electric company and every other person, firm or corporation, their successors and assigns, owning, operating, controlling, leasing or managing a electric plant or system and/or generating, manufacturing, selling, distributing or transporting electric (hereinafter referred to, collectively, as “Energy Providers,” each, individually, an “Energy Provider”).

Energy Providers shall collect from their customers located within the corporate limits of the Municipality (but not from the Municipality) and pay to the Municipality an amount equal to five (5) percent of gross receipts Energy Providers derive from the sale, distribution or transportation of electricity delivered within the present or future limits of the Municipality. Gross receipts as used herein are revenues received from the sale, distribution or transportation of occupation tax, after adjustment for the net write-off of uncollectible accounts and corrections of bills theretofore rendered. The amount paid by Energy Providers shall be in lieu of, and Energy Providers shall be exempt from, all other fees, charges, taxes or assessments which the Municipality may impose for the privilege of doing business within the Municipality, including without limitation excise taxes, licensing fees, or right-of-way permit fees, and in the event the Municipality imposes any such fees, charge, tax or assessment, the payment to be made by Energy Providers in accordance with this Ordinance shall be reduced in an amount equal to any such fee, charge, tax or assessment imposed upon the Energy Providers. Ad valorem property taxes imposed generally upon all real and personal property within the Municipality shall not be deemed to affect Energy Providers’ obligations under this Ordinance.

Energy Providers shall report and pay any amount payable under this Chapter and its corresponding Ordinance on a monthly basis. Such payment shall be made no more than thirty (30) days following the close of the period for which payment is due. Initial payments shall be prorated for the portions of the periods at the beginning of the term of this ordinance.

Energy Providers shall list the occupation tax collected from customers as a separate item on bills for utility service issued to their customers. If at any time the Missouri Public Service Commission or other authority having proper jurisdiction prohibits such recovery, Energy Providers will no longer be obligated to collect and pay the occupation tax. In addition, Energy Providers may reduce the occupation tax payable for electric service delivered to a specific customer when such reduction is required to attract or retain the business of that customer.

The Municipality shall provide copies of annexation ordinances to Energy Providers on a timely basis to ensure appropriate occupation tax collection from customers within the Municipality’s corporate limits. An Energy Provider’s obligation to collect and pay the occupation tax from customers within an annexed area shall not

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commence until the later: (a) of sixty (60) days after such Energy Provider's receipt of the annexation ordinance pertaining to such area, or (b) such

time as is reasonably necessary for such Energy Provider to identify the customers in the annexed area obligated to pay the occupation tax.

The Municipality shall have access to and the right to examine, during normal business hours, such of an Energy Provider's books, receipts, files, records, and documents as is necessary to verify the accuracy of payments due hereunder. If it is determined that a mistake was made in the payment of any occupation tax required hereunder, such mistake shall be corrected promptly upon discovery, such that any under-payment by an Energy Provider shall be paid within thirty (30) days of recalculation of the amount due, and any over-payment by an Energy Provider shall be deducted from the next payment of such occupation tax due by such Energy Provider to the Municipality.

(Code 2021, § 24-2, Ord. No. 308, 11/02/2006)

#### **Section 24-3) Electric Street Lighting**

The current contract for street lighting can be obtained through the City Clerk.

(Code 2021, § 24-3, Ord. No. 99, 7/23/1979)

### *Article III* NATURAL GAS PROVIDERS

#### **Section 24-4) Laclede Gas Company**

Ordinance number 386 approved a contract between the City of Glenaire, Missouri and Laclede Gas Company, to operate a gas distribution system in the City. A copy of the contract, referenced in Ordinance number 386, can be obtained from the City Clerk.

(Code 2021, § 24-4, Ord. No. 386, § 1, 9/17/2013)

### *Article IV* TELEPHONE COMPANIES

#### **Section 24-5) Occupational Tax on Telephone Companies**

- a. Imposition and Amount. Every Telephone Company whose operation shall extend into the City of Glenaire, Missouri, shall pay the City as an annual license tax five (5) per cent of the gross receipts derived from the furnishing of service within the said City hereinafter determined and set forth.
- b. Computation and Payment. All such companies shall file with the City Clerk of the City of Glenaire, Missouri, on or before the last day of May 2010, and the last day each month thereafter, a sworn statement of the gross receipts derived by such company from the furnishing of such telephone service during the period of the preceding month. At the time of filing any such statement, such company shall pay to the City of Glenaire, five (5) per cent of such gross receipts. Gross receipts derived from the furnishing of such service to the City of Glenaire, Missouri, or another municipal or governmental unit located in the City of Glenaire, Missouri, shall not be included in the foregoing statement nor shall any tax be due on such gross receipts. The telephone company shall have the privilege of crediting any sums that may be due hereunder with any unpaid balance due the company for telephone service rendered or facilities furnished to the City of Glenaire, Missouri.
- c. Tax Due and Payable When. The first payment of tax provided for herein shall be due and payable on September 30, 1999, and shall be based on the period from August 1, 1999, to August 31, 1999. The next payment of tax shall be due on October 31, 1999 and shall be based on the business done during the preceding month. Payments shall thereafter be made on the last day of each succeeding month based on the preceding month.

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- d. Payments in Lieu of Certain Other Charges. The payments rendered by the provisions of this Ordinance shall be in lieu of all other excises, charges, exactions, rentals, impositions or any other license or occupation taxes heretofore imposed upon any company engaged in the business described in Paragraph a hereof, but nothing contained herein shall be construed to exempt such company from any general or special tax imposed upon the public generally by the City of Glenaire, Missouri.

(Code 2021, § 24-5; ¶ a and b, Ord. No.351, § 1 and 2, 5/18/2010; ¶ c and d, Ord. No. 223, § 3 and 4, 6/15/1999)

#### *Article V* RIGHT-OF-WAY AGREEMENTS

##### **Section 24-6) Metricom, Inc.**

Ordinance number 232 approved a contract between the City of Glenaire, Missouri and Metricom, Inc., a Delaware Corporation, to provide for the payment by Metricom, Inc. to the City of Glenaire, Missouri a right-of-way fee equal to three percent (3%) of the adjusted gross revenue generated by Metricom, Inc., for its services provided to subscribers with billing addresses in the City of Glenaire, Missouri. A copy of the contract, referenced in Ordinance number 232 as Appendix A, can be obtained from the City Clerk.

(Code 2021, § 24-6, Ord. No. 232, § 1, 6/20/2000)

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Bill Number	Ordinance Number	Description of Ordinance	Date Enacted
102	104	American Cablevision	1/4/1982
212	214	Time Warner Cable	11/3/1998
230	232	Metricom	6/20/2000
9	8	Electric franchise, <i>No copy available</i>	12/19/1951
11	10	Changes Ord 8	5/19/1952
19	18	Street lights	7/21/1958
51	52	KCPL Franchise	5/22/1967
59	60	Mo PUB Street Lighting (No Copy)	
97	99	MO PUB-Street Lighting	7/23/1979
129	131	Establishment of Mo Pub Franchise Fee	11/4/1986
306	308	Occupational Tax on Electric Co. for Glenaire	11/2/2006
21	20	Gas service company franchise	1/19/1959
	95	Gas Service Company	12/9/1978
242	244	Missouri Gas Energy	5/15/2001
384	386	Ordinance to Amend MGE Franchise	9/17/2013
221	223	Telephone Tax	6/15/1999
349	351	Amend Ordinance 223 on Telephone License Tax	5/18/2010
181	183	Utilities, <i>No Copy</i>	3/19/1996

## CHAPTER 25 ZONING

### *Article I* IN GENERAL

#### **Section 25-1) Definitions**

For this Chapter and its corresponding Ordinances, the following words and terms as used herein are defined to mean the following:

Words used in the present tense include the future; words in the singular number include the plural; and words in the plural number include the singular, the word "building" includes the word "structure"; the word "shall", or the word "must" is mandatory and not directory; the term "used for" includes the meaning "designed for" or "intended for".

**ACCESSORY BUILDING OR USE:** A subordinate building having a use customarily incident to and located on the lot occupied by the main building; or a use customarily incident to the main use of the property. A building housing an accessory use is considered with the main building or is under an extension of the main roof and designed as an integral part of the main building.

**ALLEY:** A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

**APARTMENT:** A room or a suite of rooms within an apartment house arranged, intended, or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit.

**APARTMENT HOUSE:** A building arranged, intended, or designed for more than two families.

**APARTMENT HOTEL:** An apartment house which furnishes for the use of its tenants' services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.

**BASEMENT:** A story below the first story as defined under "Story", counted as a story for height regulations if subdivided and used for dwelling purposes other than by a janitor or watchman employed on the premises.

**BLOCK:** A piece or parcel of land entirely surrounded by public highways or streets other than alleys.

**BOARDING HOUSE OR LODGING HOUSE:** A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

**CURB LEVEL:** The mean level of the curb in front of the lot, or in case of a corner lot, along that abutting street where the mean curb level is the highest.

**DWELLING:** A building or portion thereof designed exclusively for residential occupancy, including one family, two family, and multiple dwellings, boarding and lodging houses, apartment houses and apartment hotels, but not hotels.

**DWELLING, ONE-FAMILY:** A detached building arranged, intended, or designed for occupancy by one family.

**DWELLING, TWO-FAMILY:** A building arranged, intended, or designed for occupancy by two families.

**DWELLING, MULTIPLE:** A building or portion thereof, arranged, intended, or designed for occupancy by three or more families, including apartment houses, row houses, tenements and apartment hotels.

**FAMILY:** One (1) or more persons who are related by blood or marriage, living together, and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five (5) (excluding servants) living

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together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis.

**GARAGE, COMMUNITY:** A building or portion thereof, other than a public, private, or storage garage providing storage for motor vehicles with facilities for washing, but not other services, such garage to be in lieu of private garages within a block or portion of block.

**GARAGE, STORAGE:** A building or portion thereof, except those defined as a private, a public, or a community garage providing storage for motor vehicles, with facilities for washing but no other services.

**HEIGHT OF BUILDINGS:** The vertical distance measured from the highest of the following three levels:

From the street curb level;

From the established or mean street grade in case the curb has not been constructed.

From the average finished ground level adjoining the building if it sets back from the street line; to the level of the highest point of the roof beams of flat roofs or roofs inclining not more than one inch (1") to the foot, or to the mean height level of the top of the main plates and highest ridge for other roofs.

**LOT:** A parcel of land occupied or to be occupied by one building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this ordinance, and having its principal frontage upon a public street or a place.

**LOT, CORNER:** A lot abutting two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Board of Alderman.

**LOT, INTERIOR:** A lot whose side lines do not abut upon any street.

**LOT, THROUGH:** A lot having frontage on two streets.

**LOT LINES:** The lines bounding a lot as defined herein.

**LOT LINE, FRONT:** The boundary between a lot and the street on which it fronts.

**LOT LINE, REAR:** The boundary line which is opposite and most distant from the front street line; except that in the case of uncertainty the Board of Alderman shall determine the rear line.

**LOT LINE, SIDE:** Any lot boundary line not a front or rear line thereof. A side line may be a party lot line bordering on an alley or place or a side street line.

**LOT DEPTH:** The mean horizontal distance from the front street line to the rear line.

**LOT WIDTH:** The mean horizontal distance between the side lines, measured at right angles to the depth.

**NON-CONFORMING USE, BUILDING OR YARD:** A use, building or yard which does not, by reason of design, use, or dimensions, conform to the regulations of the district in which it is situated. It is a legal non-conforming use if established prior to the passage of this ordinance and an illegal non-conforming use if established after the passage of this ordinance and not otherwise approved as provided herein.

**PLACE:** An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.

**STORY:** That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story.

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The first story is the highest story having its interior floor surface not more than four feet above the curb level, established or mean street grade, or average ground level, as mentioned in "Height of Buildings" of this section.

**STREET:** A thoroughfare which affords principal means of access to property abutting thereon.

**STREET LINE:** The dividing line between the street and the abutting property.

**STRUCTURE:** Anything constructed or erected, which requires locating on the ground, or attached to something having a location on the ground; including, but not limited to, advertising sign, billboards, and poster panels, but exclusive of customary fences or boundary or retaining walls.

**STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

**TOURIST CABIN OR TRAILER CAMP:** A tract or parcel of land upon which two or more tourist cabins are located, or where temporary accommodations are provided for two or more automobile trailers, tents or house cars, open to the public free or for a fee.

**VARIANCE:** A modification or variation of the provisions of this ordinance, as applied to a specific piece of property, as distinct from rezoning.

**YARD:** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by an portion of a structure from the ground upwards, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used. -

**YARD, FRONT:** A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

**YARD, REAR:** A yard between the rear lot line and the rear line of the main building and the side lot lines.

**YARD, SIDE:** A yard between the main building and the adjacent sideline of the lot and extending from a front yard to the rear yard thereof.

### **Section 25-2) Short Title**

This chapter and its corresponding ordinances shall be known and may be cited as the Zoning Ordinance of the City of Glenaire, Missouri.

### **Section 25-3) Single District**

For the purpose of regulating and restricting the use of land and the erection, construction, reconstruction, alteration, or use of buildings, structures or land, the City of Glenaire, Missouri is hereby considered as one district as follows:

District R - Residential.

### **Section 25-4) District Map Adopted**

Boundaries of the district, as enumerated in Section 3 of this ordinance, are hereby established as shown on a map prepared for that purpose, which map is hereby designated as the Zoning District Map; and said map and all the notations, references and information shown thereon is hereby made as much a part of this ordinance as if the same were set forth in full herein. It shall be the duty of the City Clerk to keep on file an authentic copy of said map, and all changes, amendments, or additions thereto.



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### **Section 25-5) Board of Adjustment**

A Board of Adjustment is hereby established in accordance with the provisions of Chapter 89, Missouri Revised Statutes.

### **Section 25-6) Requirements Must Be Observed**

Except as herein provided;

No building or structure shall be erected, constructed, reconstructed, moved, or altered, nor shall any building, structure or land be used for any purpose other than is permitted in the district in which such building, structure or land is situated.

No building or structure shall be erected, constructed, reconstructed, moved, or altered to exceed the height or area limit herein established for the district in which such building or structure is located.

No lot area shall be reduced or diminished so that the yards or other open spaces shall be smaller than prescribed by this ordinance, nor shall the density of population be increased in any manner, except in conformity with the area regulations established herein.

(Code 2021, § 25-1 through 25-6, Ord. No. 162, § 1 through 6, 6/20/1995)

### **Section 25-7) District R - Residential**

#### USE REGULATIONS

In District R no building or land shall be used, and no building shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses, except as otherwise provided:

1. Dwellings, one family.
2. Agriculture, nurseries, and gardens; and the raising and care of livestock, poultry and domestic animals; provided no retail or wholesale business shall be conducted on the premises, provided that no obnoxious fertilizer renovation is conducted thereon, and provided that where livestock, other than not more than two riding horses, is kept, the lot area shall be at least one acre.
3. Accessory uses, including automobile parking area, and home-based businesses subject to registration, as specified in Section 25-20 of Article III of this Chapter, and to the requirements of this Section, as follows:
  - a. The business operation is clearly secondary to the residential use of the structure.
  - b. The business (1) shall be conducted only within an enclosed living area and/or garage of the dwelling and (2) shall not be permitted out-of-doors (3) nor shall it be conducted in any accessory structure built solely or in part to house the business.
  - c. There shall be no storage of equipment, merchandise, supplies or packaging waste associated with the home-based business outside of the dwelling or garage.
  - d. There shall be no change in the residential appearance of the dwelling or premises and no visible evidence of the conducting of a home-based business.
  - e. No store, trade, business, industry, practice or a profession shall be permitted as an accessory use in this district, unless otherwise provided herein.
  - f. For any dwelling house there shall be permitted one detached private garage with space for not more than two motor vehicles for every 2,000 square feet of lot area, provided that such garage shall not exceed four

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vehicle capacity and be located not less than 60 feet from the front lot line, and not less than 4 feet from any rear and 2 feet from any side line, and in the case of corner lots not less than 30 feet from a side street line. No garage shall be erected nearer than 20 feet to a building on an adjoining lot occupied and used exclusively as a private residence, unless permitted, or unless attached to the main building. If serving 2 lots, the garage may be built across the side or rear line, and where an alley abuts a side or rear lot line, such accessory building may be built up to the alley line. When built as an integral part of the main building, a private garage shall be subject to the regulations affecting the main building.

- g. An accessory building cannot be larger in size than the dwelling building. In the event that the accessory building, including detached garages, being erected is replacing an existing structure, the size of the new structure will be permitted to be the size of the structure it is replacing.
  - h. A temporary building such as a contractor shed, and buildings of like character will be permitted during the construction of buildings, but not to exceed one (1) year.
  - i. No billboard, signboard, or advertising sign or window display except as hereinbefore provided, shall be permitted as an accessory used in this district. The placing of an illuminated "For Sale" or "For Rent" or "For Lease" sign not more than 4 square feet in area will be permitted as an accessory use; and during construction of a building one unilluminated sign showing the names of a contractor or architect for such building shall be permitted, providing such sign shall not be more than 8 square feet in area, and shall be removed immediately upon completion of a building.
4. The following uses may be permitted in District R, after study and recommendations by the Board of Adjustment as to operation, time limit and other safeguards as the Board may deem necessary to protect the appropriate use of neighboring property and to carry out the general intent and purpose of this ordinance, and after public hearing. If the Board finds that such use would be in violation of the general intent and purpose of this ordinance or would seriously impair the appropriate use of neighboring property then such use shall not be permitted.

If the Board, after study, deems the proposed use to be in accordance with the above conditions, it shall direct the Board of Aldermen or person they authorize to issue a permit, such permit to set out conditions, regulations or time limit as the Board deems necessary.

Such use shall comply with the height and area regulations of the district in which it is located unless waived by the Board of Adjustment.

- a. Electric substations.
- b. Reservoirs, wells, towers, filter beds, or water supply plants.
- c. Sewage, refuse, garbage disposal plants or sanitary fills.
- d. Buildings and premises for public utility services, or public service corporations, which buildings or uses the Board of Adjustment deems reasonably necessary for public convenience or welfare, and lease of City Community Center for business purposes which would benefit the community.
- e. High voltage transmission lines.

### HEIGHT AND AREA REGULATIONS

In District R the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot, shall be as follows:

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### HEIGHT:

- (b) Buildings or structures shall not exceed two and one-half (2½) stories and shall not exceed thirty-five (35) feet in height but at no time shall be higher than the tallest peak of the residential dwelling structure.

### FRONT YARDS:

The front yards in this district shall have a minimum depth of twenty-five (25) per cent of the depth of the lot not less than thirty (30) feet, but the depth of such front yard need not be more than thirty (30) feet.

### SIDE YARDS:

(a) There shall be a side yard on each side of every building, except an accessory building, with a minimum width of not less than ten per cent (10%) of the width of the lot. Such side yard shall not be less than fifteen (15) feet.

On a corner lot, the side yard regulation shall be the same as for interior lots, except in the case of reversed frontage where interior lots have been platted or sold fronting on a side street. In this case, there shall be a side yard on the street side of the corner lot of not less than thirty (30) feet.

### REAR YARDS:

The rear yards in this district shall have a minimum depth of twenty-five (25) per cent of the depth of the lot, but the depth of such rear yard need not be more than thirty (30) feet.

The area occupied by a detached accessory building in a rear yard shall not exceed forty (40) per cent of the area of the rear yard.

### LOT AREA PER FAMILY:

No building shall be erected, altered, or enlarged to accommodate or make provision for more than one family for each seventy-five hundred (7,500) square feet of the area.

### SIZE OF DWELLING:

Every dwelling hereafter erected or constructed in District R must contain a minimum of twelve hundred (1,200) square feet measured from the outside of the outside walls and exclusive of the area of any attached accessory buildings. It shall be constructed according to the City of Glenaire's Residential Construction Regulations adopted by the Board of Alderman in Ordinance Number 399 on August 18, 2015. (See City Ordinance Number 399 for specifics.)

### DRIVEWAYS (CONCRETE):

- (a) The top 6" of driveway subgrade shall be compacted of 95% of standard maximum density.
- (b) Concrete shall conform to MCIB Mix No. WA610-1-4, except in CBD where WA610-1-4 with Trap Rock Aggregate is required, Section 2209.2.A
- (c) Expansion joint filler and joint sealing compound shall conform to standard Specifications Section 2209.2
- (d) Curing membranes shall conform to Standard Specifications Section 2209.2F

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- (e) In CBD, 6 X 6-W2.9 X W2.9 reinforcing shall be placed in center of slab thickness
- (f) Contraction Joints shall be spaced at 12' maximum, both directions
- (g) Curb transitions on driveway flares are considered part of driveway (where curbs are present)
- (h) Two 5/8" X 2' smooth dowels (one for C-1 Curb). See curb standards for placement.
- (i) Form ¾" lip at pavement line on drives in C-1 Curbs
- (j) If parkway is <1.5', fill with concrete as part of the sidewalk
- (k) If street adjoining the driveway has a ditch instead of curbs, a minimum of 15" corrugated pipe sustainable for vehicle traffic, must be installed under the driveway for ground water drainage.

(SEE EXHIBIT (A) ATTACHED FOR DRAWINGS OF CONCRETE DRIVEWAY CONSTRUCTION)

### DRIVEWAY (GRAVEL):

Shall not be less than nine (9) feet wide and twenty (20) feet in length and shall be connected to a public street or alley. It shall be constructed in such a way as to clearly define the boundaries between the parking space and the adjacent yard area. Minimally, it shall be constructed of at least six (6) inches of crusher-run rock, or equivalent, and shall be shaped and compacted.

If street adjoining the driveway has a ditch instead of curbs, a minimum of fifteen inch (15") corrugated pipe sustainable for vehicle traffic, must be installed under the driveway for ground water drainage.

(Code 2021, § 25-7; Ord. No.425, § 1, 3/17/2020)

### **Section 25-8) Non-conforming Uses**

A non-conforming use of land existing lawfully at the time of the passage of this ordinance may be continued but shall not be extended, expanded, or enlarged.

A non-conforming use of a lot containing no permanent building designed for a non-conforming use shall not be continued beyond the period ending two years from the adoption of this ordinance.

The lawful use of a building existing at the time of the passage of this ordinance may be continued, although such use does not conform with the provisions hereof, and such use may be extended throughout such portions of the building as are arranged or designed for such use, provided no structural alterations except those required by law or ordinance, are made therein. If no structural alterations are made, a non-conforming use of a building may be changed to another conforming use of the same or more restricted classification. If such non-conforming building is removed, the future of such premises shall be conformity with the provisions of this ordinance.

When non-conforming use has been discontinued for six months or more, it shall not be reestablished.

A non-conforming use if changed to a conforming use, or more restricted, conforming use, may not thereafter be changed back to a less restricted use than that to which it was changed.

Repairs and alterations may be made to a non-conforming building, providing that no structural alterations or extensions shall be made, except those required by law or ordinance unless the building is changed to a conforming use; provided that the Board of Adjustment, by special permit in the case of evident hardship, may grant an extension of a non-conforming use not exceeding twenty-five (25) percent of the ground area of the building.

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#### **Section 25-9) Completion and Restoration of Existing Buildings**

Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued, and plans for which are on file with the Board of Aldermen, at the time of the passage of this ordinance and the construction of which in either case shall have been diligently prosecuted within one year of the date of such permit, and the ground story framework of which, including the second tier or beams, shall have been completed, according to such plans as filed, within two years from the date of the passage of this ordinance.

Nothing in this chapter or its corresponding ordinances shall be taken to prevent the restoration, within twelve months, of a non-conforming building destroyed by fire, explosion or other casualty, or act of God, or the public enemy, provided that when such restoration becomes involved in litigation, the time required for such litigation shall not be counted as a part of the twelve months allowed for reconstruction; and nothing in this ordinance shall be taken to prevent the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction.

The provisions of this Chapter shall not apply to prevent the extension of any building, existing in any district at the time of the adoption of this Ordinance, to the height and area to which the walls, foundation and framework of such existing building originally were intended, extensions in height permitted by this paragraph shall have been duly commenced within ten (10) years from the date of the adoption of this ordinance.

#### **Section 25-10) Previously Owned Dwelling Lots**

Dwellings, when hardship would otherwise result, may be built upon lots containing less than the area required in this ordinance, provided that the Board of Adjustment, after public hearing, and upon submission of plans for a suitable sewage system approved by the Clay County Health Commission.

#### **Section 25-11) Changes in Amendments**

The Board of Aldermen may from time to time on its own motion, or on petition after public notice and hearings thereon, as provided herein, amend, supplement, change, modify, or repeal the regulations and restrictions as established herein. Before taking any action upon any proposed amendment, supplement, modification, or change the same shall be referred by the Board of Aldermen to the Board of Adjustment for hearing, report, and recommendation. In case of a protest against such amendment, supplement, change, modification, or repeal, duly signed and acknowledged by the owners of ten (10) per cent or more, either of the land (exclusive of streets and alleys) included in such proposed change, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not be passed except by a favorable vote of the majority of the required quorum of the Board of Aldermen.

No action on an amendment, change, modification, or repeal shall be taken until after hearing is held before the Board of Adjustment in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a paper of general circulation in the City of Glenaire, Missouri and all owners of land, (excluding streets and alleys) included in the proposed change, or within an area determined by the lines drawn parallel to and one hundred eighty-five (185) feet distance from the boundaries of the district proposed to be changed, shall be notified of such proposed change in writing by the Board of Aldermen at least fifteen (15) days prior to such hearing.

#### **Section 25-12) Powers and Duties of the Board of Adjustment**

The Board of Adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules herein contained.

The board shall adopt rules in accordance with the provisions of this ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such chairman, or in his absence

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the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the Board and shall be public record. All testimony, objections thereto, and rulings thereon shall be taken down by a reporter employed by the Board for that purpose. The presence of three members shall be necessary to constitute a quorum.

Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City of Glenaire affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the Board of filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the paper constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by attorney.

The Board shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in an order requirement, decision, or determination made by an administrative official in the enforcement of this ordinance.
2. To hear and decide all matters referred to it or upon which it is required to pass under the provisions of this ordinance.
3. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the use, construction or alteration of buildings or structures, or the use of land, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

### **Section 25-13) Enforcement and Permits**

It shall be the duty of the Board of Aldermen to enforce the provisions of this Chapter and its corresponding Ordinances, and such Board of Aldermen is hereby authorized and instructed to take such steps or bring such proceedings as are necessary in connection with such enforcement. No building or other structure shall be erected, constructed, reconstructed, or enlarged, nor shall it be altered in such a manner as to prolong the life of the building; nor shall the use of any land be changed without first obtaining a permit from the Board of Aldermen or person they authorize to be issued in accordance with the terms of this ordinance. No permits shall be issued unless there shall first be filed with the Mayor of the person he authorizes by the applicant therefor, information satisfactory to the Board of Aldermen, which may include a plan in duplicate drawn to scale, correctly showing the location and actual dimension of the lot to be occupied, the dimensions and location on the lot of the building to be erected, constructed, reconstructed, enlarged or altered, with measurements from all lot lines to foundation lines of the building, together with a true statement in writing signed by the applicant showing the use for which such building or premises is arranged, intended or designed, and no permit shall be issued by such Board of Aldermen unless such plan or information shall show that such building or structure is to conform in all particulars with the provisions of this ordinance. A record of such applications and plans shall be kept in the office of the Board of Aldermen. The

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Mayor shall have power to revoke any permit which has been issued in case of violations of the conditions of such permit.

### **Section 25-14) Violation and Penalties**

In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of this chapter and its corresponding ordinances, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by the Board of Aldermen or suitable person appointed by them, who are in power to cause any building, structure, place, or premises to be inspected and examined, and to order in writing the remedying any condition found to exist therein, or thereat in violation of any provision of the regulations enumerated herein.

The owner or general agent of a building or premises in or upon which a violation of any provision of this ordinance has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which such violation has been committed or shall exist; or the owner, general agent, lessee or tenant of any part of the building or premises in or upon which such violation has been committed or shall exist, or the general agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor punishable by a fine of not less the \$10.00 and not more than \$1,000.00 for each and every day that such violation continues.

## *Article II* CONFLICTS AND INVALIDITY

### **Section 25-15) Conflicts with other Ordinances**

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals, or general welfare. Wherever this ordinance requires a greater width or size of yards, courts, or other open spaces, or requires a lower height of buildings or a smaller number of stories or requires a greater percentage of lot left to be unoccupied or imposes higher standards than are required in another statute the local ordinance or regulation shall govern.

(Code 2021, § 25-8 through 25-15, Ord. No. 162, § 8 through 15, 6/20/1995)

### **Section 25-16) Invalidity of a Part**

If any section, sub-section, sentence, clause or phrase of this chapter and its corresponding ordinances is for any reason held to be invalid, such decision shall not affect the validity or the remaining portions of this chapter.

(Code 2021, § 25-16; Ord. No.425, § 2, 3/17/2020)

## *Article III* HOME-BASED BUSINESS AND OTHER ACCESSORY USES OF RESIDENTIAL PROPERTY

### **Section 25-17) Intent**

The Board of Aldermen recognizes the importance of small businesses and entrepreneurship and adopts this section of the Code and its corresponding ordinance with the following intent:

To recognize the need of some residents to use their place of residence for limited, non- residential business activities;

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To ensure compatibility of home-based businesses with all residential uses provided for within this Code and its supporting ordinances;

To protect and maintain the character of Glenaire's residential neighborhoods, and;

To ensure home-based businesses do not create excess traffic, activity, noise, or other nuisances.

### **Section 25-18) General Restrictions and Limitations**

Home-based businesses will be allowed within the City of Glenaire, as an accessory use to a residential property, subject to registration, as specified in Section 4, and to the requirements of this Section, as follows:

- a. The business operation is clearly secondary to the residential use of the structure.
- b. The business (1) shall be conducted only within an enclosed living area and/or garage of the dwelling and (2) shall not be permitted out-of-doors (3) nor shall be conducted in any accessory structure built solely to house the business. For definition purposes: A dwelling includes the house which is used for living purposes, an attached and/or detached garage and a small shed (less than 200 square feet). An accessory structure is another building on the premises not included in the definition of a dwelling.
- c. There shall be no storage of equipment, merchandise, supplies or packaging waste associated with the home-based business outside of the dwelling or garage.
- d. There shall be no change in the residential appearance of the dwelling or premises and no visible evidence of the conducting of a home-based business.
- e. The use of only one (1) commercial vehicle in conjunction with a home-based business which is strictly limited not to exceed one ton, owned by a resident of the dwelling, and which must be parked in a garage or residential driveway on site.
- f. No mechanical equipment shall be utilized, except that which is customarily used for household or leisure purposes (examples of prohibited equipment include, but not limited to, commercial kitchens, examination or treatment rooms, kilns in excess of six (6) cubic feet, paint booths, high voltage wiring, oversized plumbing, containers in excess of 5 gallons of herbicides and pesticides, and spraying equipment etc.
- g. The conduct of any home based-business or office shall not reduce the number of parking spaces below what is required by ordinance.
- h. Customers, students, or clients shall be limited to ten (10) per day, and not more than four (4) at the same time
- i. In no case shall a home business be open to customers, clients or students at a time earlier than 8:00 a.m. nor later than 8:00 P.M. with the exception of parents dropping off and/or picking up children from a home-based daycare provider.
- j. The use or storage of explosive material is prohibited. Storage of gasoline or diesel fluid is limited to 20 gallons each.
- k. No activity shall be allowed that would interfere with radio or television transmission in the area nor shall there be any offensive noise, vibration, smoke, dust, odors (including herbicides and pesticides), heat or glare noticeable outside the structure.
- l. Accumulation of inventories for public sale on premises and/or sale of any merchandise or products on display within or outside the residence are prohibited, provided that orders placed by private clients or at a sales party may be filled on premises.
- m. One person, in addition to those who are permanent residents of the dwelling, may be employed on site.



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- n. Childcare providers may provide Childcare services for a maximum of six (6) children unrelated to the operator and no more than ten (10) children in total (related and unrelated to the operator) and shall conduct business in accordance with the following provisions:
  - i. The childcare business is an accessory use of the residence occupied by the operator. Childcare services cannot be provided in an accessory building.
  - ii. Be so developed, maintained and operated that the building and yards have the appearance and character of a single-family dwelling and do not detract from abutting single-family dwelling properties.
  - iii. All play equipment and required outdoor play area is in the rear yard.
  - iv. Outdoor play only between 8:00 a.m. and 6:00 p.m.

### **Section 25-19) Other Accessory Uses of Residential Property**

The following accessory uses to a residential property are allowed in the City of Glenaire, subject to the requirements of this Section, as set forth below. These accessory uses do not require registration with the City.

- a. Home parties for the purpose of selling merchandise or taking orders are permitted by private invitation only, shall not exceed twenty-five (25) guests and shall not be held more than four (4) times per year.
- b. Short term sales of used household and garden items commonly referred to as "garage sales," "yard sales," or "rummage sales," may be held in accordance with the following provisions:
  - I. Sales are conducted on the owner's property.
  - II. Two sales per year are allowed, each lasting no more than three (3) days duration. The City wide garage sale day is not included in this limitation.
  - III. Items for sale shall be limited to second-hand household and garden items.
- c. A hobby by the occupant for personal enjoyment and recreation, provided the articles produced or constructed are not sold. These hobbies may include uses such as gardens, customary pets, television, radio or other transmission antenna not exceeding sixty (60) feet in height.

### **Section 25-20) Registration of Home-based businesses**

A property owner or resident of Glenaire may apply for registration for a home-based business and shall make this application on a form provided by the City of Glenaire at the office of the City Clerk. The operation of the business shall conform to the restrictions and limitations set forth in Section 2 above. At the time of registration, the applicant/owner of the home-based business shall acquire a copy of this section of the Code to maintain compliance with these regulations. The registration shall terminate if, for any reason, the registered use ceases for more than six (6) months.

### **Section 25-21) Violations and Penalties Pertaining to Article III of this Chapter**

It shall be unlawful for any person to cause, permit, maintain or allow a violation of the general restrictions and limitations provided for in this Article and its corresponding ordinance.

Whenever a violation of this ordinance is found to exist within the City, the mayor, or some other duly-designated officer of the City, shall give five (5) calendar days written notice to the owner or occupant of the property upon which such violation exists, or upon the person causing or maintaining the violation, to abate the circumstances which are creating the violation.

It will be unnecessary to provide more than one written notice per calendar year to anyone creating or causing or maintaining the same violation.

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The notice of violation issued under the provisions of this section shall contain:

- a. an order to abate the violation or to request a hearing within a stated time which shall be reasonable under the circumstances;
- b. the location of the violation, if the same is stationary;
- c. a description of what constitutes the violation;
- d. a statement of acts necessary to abate the violation;
- e. a statement that if the violation is not abated as directed and no request for hearing is made within the prescribed time, the City may have a citation issued and assess the costs thereof against such person.

The notice to abate a violation of this ordinance shall be served as any other legal process may be served pursuant to law.

If a hearing is requested pursuant to the notice provided in this Section, the request is delivered to the mayor within said five (5) day time period, the mayor shall conduct a special hearing as soon as may be practical, but not earlier than five (5) days after notifying the occupant/owner of the hearing date, place and time, by personal service or by certified mail. This hearing must have a quorum of the board of aldermen to be convened and will be open to the public. At such hearing, the alleged occupant/owner shall have the right to be represented by counsel, to present testimony, and offer evidence and arguments. The City clerk will prepare a written record of this hearing.

The board of aldermen, upon such hearing, shall state in writing their findings of fact, conclusions of law, and their order, if they find such violation to exist, that the same be abated within said period of five (5) days and shall cause stated findings, conclusions, and order to be served upon such occupant/owner in the same manner as provided for notice of such hearings.

Anyone violating any of the sections of this ordinance shall be deemed to have committed a misdemeanor punishable by a fine of not more than \$500 or a jail term not to exceed ninety (90) days, or both a fine and a term of imprisonment, at the discretion of the judge.

In addition to any other penalty provided in this section, this Article and its corresponding ordinance authorizes the prosecution of a civil cause of action before any court having jurisdiction over such codes or causes of action for the abatement of any violation of this ordinance. Any person found liable for said violations shall, in addition to any other penalties provided by the court, including a permanent injunction, be responsible to pay the reasonable attorney fees of the City incurred in the prosecution of the claim and all court costs.

(Code 2021, § 25-17 through 25-21; Ord. No.359 § 1 through 12, 1/18/2011)

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Bill Number	Ordinance Number	Description of Ordinance	Date Enacted
47	46	Zoning ordinance	2/27/1967
114	116	Zoning Ordinance that Divides Vilage into Districts	6/29/1985
151	153	<i>Zoning Repeals 46 and 116</i>	3/17/1992
160	162	<i>Zoning Repeals Ord. 153</i>	6/20/1995
357	359	Home-based businesses and other accessory uses	1/18/2011
423	425	<i>Zoning Ordinance, Repeals section 7 of 162</i>	3/17/2020

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CHAPTER 26 – MINIMUM HOUSING STANDARDS CODE

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CHAPTER 26    MINIMUM HOUSING STANDARDS CODE (RESERVED)

CODE

CHAPTER 27 – FAIR HOUSING

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CHAPTER 27 FAIR HOUSING (RESERVED)

CODE

CHAPTER 28 – PUBLIC HEALTH AND SAFETY

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CHAPTER 28 PUBLIC HEALTH AND SAFETY (RESERVED)