

VILLAGE OF  
WARDSVILLE  
MUNICIPAL  
CODE

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## ORDINANCE NO. 216

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

Be it ordained by the Board of Trustees of the Village of Wardsville as follows:

Section 1. That the code of ordinances, consisting of Titles I, Government Code; Title II, Public Health, Safety And Welfare; Title III, Traffic Code; Title IV, Land Use; Title V, Building And Construction; Title VI, Business And Occupation; each inclusive, is hereby adopted and enacted as the "Code of Ordinances of the Village of Wardsville"; which shall supersede all other general and permanent ordinances of the Village passed on or before September 30, 2014, to the extent provided in Section 3 hereof.

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

Section 3. That all ordinances of a general and permanent nature of the Village adopted on final passage on or before September 30, 2014, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of this ordinance, except those which may be specifically excepted by separate ordinance, and except the following which are hereby continued in full force and effect, unless specifically repealed by separate ordinance:

- a. Ordinances promising or guaranteeing the payment of money for the Village, or authorizing the issuance of any bonds or notes of the Village or any other evidence of the Village's indebtedness, or authorizing any contract or obligation assumed by the Village;
- b. Ordinances levying taxes or making special assessments;
- c. Ordinances appropriating funds or establishing salaries and compensation, and providing for expenses;
- d. Ordinances granting franchises or rights to any person, firm or corporation;
- e. Ordinances relating to the dedication, opening, closing, naming, establishment of grades, improvement, altering, paving, widening or vacating of streets, alleys, sidewalks or public places;
- f. Ordinances authorizing or relating to particular public improvements;

- g. Ordinances respecting the conveyances or acceptance of real property or easements in real property;
- h. Ordinances dedicating, accepting, or vacating any plat or subdivision in the Village or any part thereof, or providing regulations for the same;
- i. Ordinances annexing property to the Village;
- j. Ordinances zoning specific property, authorizing special use permits and establishing conditions on the use of specific properties;
- k. Ordinances dedicating, accepting, or vacating any plat or subdivision in the Village or any part thereof, or providing regulations for the same;
- l. Zoning ordinances not previously repealed and not contained in this code.

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

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

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

Section 5.

a. Whenever in this Code or any other ordinance of the Village, or in any rule, regulation, notice or order promulgated by any officer or agency of the Village under authority duly vested in him or it, any act is prohibited or is declared to be unlawful or an offense or misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the County jail not exceeding ninety (90) days or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense. Other specific penalties for individual offenses and violations are set forth herein, and shall apply over these general punishment guidelines.

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

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

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

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

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

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

Section 10. This ordinance and the Code adopted hereby, shall become effective October 1, 2014.

FIRST READING by the Board of Trustees of the Village of Wardsville, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

SECOND READING & FINAL PASSAGE by the Board of Trustees of the Village of  
Wardsville this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Chairman of the Village of Wardsville

ATTEST:

\_\_\_\_\_  
Village Clerk

**ARTICLE I. VILLAGE INCORPORATION AND SEAL**

---

**SECTION 100.010: VILLAGE CORPORATION**

A. The Village shall be a body politic and corporate by the name of the Village of Wardsville and shall by that name be known in law.

B. The Village shall have perpetual succession unless disincorporated.

**SECTION 100.020: CORPORATE SEAL**

The Seal of the Village shall consist of a circle within a circle, having inscribed therein the words "Village of Wardsville, Cole County, Missouri." The Seal shall be approximately one and three fourths (1<sup>3</sup>/<sub>4</sub>) inches in diameter. The Village Seal shall be safely kept in the office of the Village Clerk.

## **CHAPTER 105: ELECTIONS**

### **SECTION 105.010: CONFORMANCE OF VILLAGE ELECTIONS WITH STATE LAW**

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

### **SECTION 105.020: DATE OF MUNICIPAL ELECTION**

- A. A municipal election for the qualified voters of this Village shall be held on the first (1st) Tuesday after the first (1st) Monday in April of each year.
- B. On the first (1st) Tuesday after the first (1st) Monday in April of odd-numbered years, a municipal election of the qualified voters of the Village of Wardsville shall be held for the purpose of electing three (3) Trustees who shall hold their offices for a term of two (2) years, and until their successors are elected and qualified.
- C. On the first (1st) Tuesday after the first (1st) Monday in April of even-numbered years, a municipal election of the qualified voters of the Village of Wardsville shall be held for the purpose of electing two (2) Trustees, who shall hold their offices for a term of two (2) years, and until their successors are elected and qualified.

### **SECTION 105.030: DECLARATION OF CANDIDACY--DATES FOR FILING**

Any person who desires to become a candidate for an elected Village office at the general Village election shall file with the Village Clerk, not prior to the hour of 8:00 A.M., on the fifteenth (15th) Tuesday prior to, nor later than 5:00 P.M. on the eleventh (11th) Tuesday prior to the next Village municipal election, a written declaration of his/her intent to become a candidate at said election. The Village Clerk shall keep a permanent record of the names of the candidates, the offices for which they seek election, and the date of their filing, and their names shall appear on the ballots in that order.

### **SECTION 105.040: DECLARATION OF CANDIDACY--NOTICE TO PUBLIC**

The Village Clerk shall on or before the fifteenth (15th) Tuesday prior to an election at which Village offices are to be filled by said election, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one newspaper of general circulation in the Village

### **SECTION 105.050: DECLARATION OF CANDIDACY--FORM**

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

STATEMENT OF CANDIDACY

STATE OF MISSOURI                    )  
  ) SS.  
COUNTY OF COLE                    )

I, \_\_\_\_\_, being first duly sworn, state that I reside at \_\_\_\_\_, Village of Wardsville, County of Cole, Missouri; that I am a qualified voter in the ward containing my place of residence; that I do hereby declare myself a candidate for the office of (here name the office), to be voted upon at the municipal election to be held on the first (1st) Tuesday of April, 2\_\_\_\_, and am eligible therefore, and I hereby request that my name be printed upon the official ballot for said election for said office, and state that I will serve as such officer, if elected.

Signed:

\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
Village Clerk  
Village of Wardsville

(S E A L)

**SECTION 105.060: WITHDRAWAL OF CANDIDACY**

Any person who has declared himself/herself a candidate of any elective Village office as set forth in Section 105.050 may not withdraw his/her candidacy at any time later than the hour of 5:00 P.M., on the eighth (8th) Tuesday prior to the day of the election of the elective office for which he/she has declared himself/herself a candidate. A candidate's name may be removed after that time only upon death or order of court of record, in accordance with State law.

**SECTION 105.070: CONDUCT OF ELECTIONS**

The Cole County Board of Election Commissioners, as the designated election authority, by State Statute, shall conduct all Village elections, provided however, if there is no other overlapping political subdivision election on the same day as a Village election and if directed by the Board of Trustees by appropriate election ordinance passed prior to 8:00 A.M., on the Friday before the ninth (9th) Tuesday prior to the Village election, and if notification thereof is received by the election authority no later than 5:00 P.M. on the eighth (8th) Tuesday prior to the election, in writing and in proper form, the Village Clerk shall conduct the Village election in accordance with the appropriate provisions of Chapter 115 of the Revised Statutes of Missouri.

**SECTION 105.080: NOTICE OF ELECTIONS**

In Village elections, conducted by the Cole County Board of Election Commissioners, the Village Clerk shall notify the Cole County Board of Election Commissioners prior to 5:00 P.M. on the

tenth (10th) Tuesday prior to any Village election of the forthcoming Village election. The notice shall be in writing, shall specify that the Board of Trustees is calling the election, the purpose of the election, the date of the election, and shall include a certified copy of the legal notice to be published including the sample ballot. The written notice shall be executed on behalf of the Board of Trustees by the Chairperson of the Board, and shall include the attestation of the Village Clerk.

**SECTION 105.090: SPECIAL ELECTION DATES**

Authorized dates for special Village elections shall be the first (1st) Tuesday after the first (1st) Monday in February, March, August and November of each year.

## **ARTICLE II. BOARD OF TRUSTEES**

### **SECTION 110.010: TRUSTEES--QUALIFICATIONS**

No person shall be a Trustee who has not attained the age of twenty-one (21) years; who is not a citizen of the United States; who is not an inhabitant of the Village at the time of his/her election and throughout their service thereas, and has not resided therein for one (1) whole year next preceding the time of his/her election.

### **SECTION 110.020: TRUSTEES--OATH**

Every Trustee, before entering upon the duties of his/her office, shall take the oath prescribed by the Constitution of this State that he/she will faithfully demean himself/herself in office.

### **SECTION 110.030: CHAIRPERSON OF THE BOARD OF TRUSTEES**

Every Board of Trustees shall assemble within thirty (30) days after their election and shall choose a Chairperson of their number. However, in case of his/her absence at any meeting of the Board, the Board may appoint a Chairperson Pro Tempore. And in the event that the Chairperson dies, resigns, or is removed from office or moves from the Village, the Board of Trustees shall appoint one (1) of their number Chairperson, who shall hold the office for the unexpired term. The Chairperson may vote on any proposition before the Board.

### **SECTION 110.040: BOARD OF TRUSTEE MEETINGS, WHEN HELD**

A. Regular monthly meetings of the Board of Trustees shall be held on the first (1st) Wednesday of each month beginning at 6:30 P.M. or at such time as may be set by the Board of Trustees. Meetings shall be held within the corporate limits of the Village at a site set in January of each year. Such regularly scheduled meetings may be rescheduled or convened by the Chairperson at a different time or place provided that at least twenty-four (24) hours prior to the commencement of such meeting reasonable notice as to its time, date, place and agenda is given to the general public. All meetings shall be held in conformance with Chapter 610, RSMo.

B. Special meetings of the Board of Trustees of the Village of Wardsville may be called by any two (2) members of the Board by requesting such special meeting with the Village Clerk, who shall thereupon prepare a notice of such special meeting. Special meetings may also be called by the Chairperson of the Board in the same manner. The notice of such special meeting shall state the date and hour of the meeting and the purpose for which the meeting is called, and no business shall be transacted thereat, except such as is stated in the notice. Said notice of the time and object of the special meeting shall be given to each member of the Board by the Village Clerk causing such notice to be delivered at the usual place of abode of said members twenty-four (24) hours before stated special meeting. Such notice shall also be posted within the Village in a manner visible to the general public and shall be made available to any representative of the news media who requests notice of meetings of the Board of Trustees twenty-four (24) hours before said special meeting. By unanimous consent, a special

meeting may be held at any time provided however, that when twenty-four (24) hour notice cannot be given or when the time or place is not convenient or accessible to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

**SECTION 110.050: PROCEDURE**

Robert's Rules of Order shall govern the proceedings of the Board, except when otherwise provided by ordinance and any question arising thereunder shall be decided by the Chairperson subject to appeal to the Board of Trustees by any member.

**SECTION 110.060: BOARD OF TRUSTEES TO KEEP A JOURNAL**

The Board of Trustees shall keep a journal of their proceedings and, at the desire of any member, shall cause the "yeas" and "nays" to be taken and entered on the journal on any question, resolution or ordinance. Their proceedings shall be public.

**SECTION 110.070: ORDINANCES, HOW PASSED**

The style of the ordinances shall be: "Be it ordained by the Board of Trustees of the Village of Wardsville, Missouri, as follows:". No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its passage a majority of all the members of the Board of Trustees vote therefore, and the "yeas" and "nays" be entered upon the journal. All bills shall be introduced to the Board of Trustees in writing and publicly read at a regular meeting of the Board of Trustees before passage thereof. All ordinances shall be in full force and effect from and after their passage, and being duly signed by the Chairperson of the Board of Trustees and attested by the Village Clerk.

**SECTION 110.080: TRUSTEES--SEMIANNUAL REPORTS**

The Chairman of the Board of Trustees shall, annually, make out a correct statement of all monies received and expended on account of the Village during the twelve (12) months next preceding; and shall cause such statement, within ten (10) days thereafter, to be published, either in some newspaper printed in Cole County, or by causing copies of such statement to be posted at the sites of the meetings of the Board of Trustees.

**SECTION 110.090: TRUSTEES--VACANCY, HOW FILLED**

All vacancies in the Board of Trustees shall be filled by the remaining members of the Board. In case the office of Chairperson becomes vacant, the remaining members shall select one (1) of their own number as Temporary Chairperson and then proceed to elect some person to fill such vacancy; provided, the Chairperson or Temporary Chairperson shall have no vote except in case of a tie.

**SECTION 110.100: SEPARATION OF RESPONSIBILITY BETWEEN TRUSTEES AND APPOINTED OFFICIALS**

No Trustee may hold an appointed position as a salaried Village Official, nor while serving as Trustee do the work assigned to an appointed official for which compensation other than reimbursable expenses is paid.

**SECTION 110.110: TRUSTEES--COMPENSATION**

- A. No Trustee shall be entitled to compensation for their services to the Village.
- B. A Trustee may be reimbursed for reasonable expenses incurred in the conduct of Village business as authorized by the Board of Trustees.

## **CHAPTER 112: CONFLICTS OF INTEREST**

### **SECTION 112.010: DECLARATION OF POLICY**

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

### **SECTION 112.020: CONFLICT OF INTEREST**

A. All elected and appointed officials as well as employees of the Village must comply with Section 105.454, RSMo., on conflicts of interest as well as any other State law governing official conduct.

B. Any member of the Board of Trustees who has a "substantial or private interest" in any measure, bill, order or ordinance proposed or pending before such Governing Body must disclose that interest to the Village Clerk and such disclosure shall be duly recorded in the official minutes. "*Substantial or private interest*" is defined as ownership by the individual, his or her spouse, or his or her dependent children, whether singularly or collectively, directly or indirectly of:

1. Ten percent (10%) or more of any business entity; or
2. An interest having a value of ten thousand dollars (\$10,000.00) or more; or
3. The receipt of a salary, gratuity or other compensation or remuneration of five thousand dollars (\$5,000.00) or more per year from any individual, partnership, organization or association within any calendar year.

### **SECTION 112.030: DISCLOSURE REPORTS**

Each elected official, candidate for elective office, the Clerk of the Village shall disclose the following information by May first (1st) or the appropriate deadline as referenced in Section 105.497, RSMo., if any such transactions occurred during the previous calendar year:

1. For such person, and all persons within the first (1st) degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the Village other than compensation received as a Board member or employee or payment of tax, fee or penalty due to the Village, and other than transfers for no consideration to the Village.
2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which

such person had a substantial interest, had with the Village, other than payment of any tax, fee or penalty due to the Village or transactions involving payment for providing utility service to the Village, and other than transfers for no consideration to the Village.

#### **SECTION 112.040: FILING OF REPORTS**

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

1. Every person required to file a financial interest statement shall file the statement annually not later than May first (1st) and the statement shall cover the calendar year ending the immediately preceding December thirty-first (31st); provided that any member of the Board of Trustees may supplement the financial interest statement to report additional interests acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement.

2. Each person appointed to office shall file the statement within thirty (30) days from such appointment or employment covering the calendar year ending the previous December thirty-first (31st).

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

B. Financial disclosure reports giving the financial information required in Section 112.030 shall be filed with the local political subdivision and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

## **CHAPTER 115: MUNICIPAL COURT**

### **SECTION 115.010: CONTRACT FOR PROVISION OF MUNICIPAL ORDINANCE PROSECUTING SERVICES**

A. The Chairman of the Board of Trustees has executed a contract on behalf of the Village with Cole County for provision of municipal ordinance prosecution services.

### **SECTION 115.020: COURT COSTS**

In addition to any fine that may be imposed by the Judge in any case filed under the this Code, in Cole County, and in addition to all other fees authorized or required by law, there may be assessed as costs the following:

1. Costs of court as set by the Circuit Court of Cole County, Missouri.
2. Peace officer standards and training commission fund.
  - a. Pursuant to the provisions contained in Section 590.140, RSMo., as amended, there is hereby imposed a surcharge in addition to Court costs and fees as established by Section 66.110, RSMo., and Section 479.260, RSMo.
  - b. The surcharge provided for herein shall be collected and disbursed as provided in Section 514.015, RSMo., and shall be payable to the State Treasury to the credit of the Peace Officer Standards and Training Commission Fund.
  - c. To the extent allowed by law, the surcharge provided for herein shall be collected and disbursed by any Municipal Court providing services to the Village in the prosecution of its ordinance violations.
3. Officer training fee. A fee may be assessed as additional court costs in each court proceeding, except no such fee shall be collected when the proceedings against the defendant have been dismissed. This is to be used for local law enforcement training.
4. Crime Victims Compensation Fund as authorized by Statute Section 595.045.
5. County Fee as authorized by Statute Section 67.133 RSMo.
6. Court Automation Fund Surcharge as authorized by Statute Section 476.053 RSMo.
7. Prosecuting Attorney Training Surcharge as authorized by Statute Section 56.765 RSMo.
8. Sheriffs Retirement Fund Surcharge as authorized by Statute Section 57.955 RSMo.
9. Other surcharges as authorized by State Statute or the Circuit Court of Cole County, MO.

## ARTICLE III. FISCAL YEAR

### SECTION 120.010: FISCAL YEAR ESTABLISHED

The fiscal year for the Village of Wardsville, shall begin January first (1st) of each year and all Village budgets, audits and other statutory requirements shall be prepared on a fiscal year basis and all required matters concerning same shall be required to use such dates for those statutory and other necessary purposes.

## CHAPTER 125: CITY COMMISSIONS

### SUBCHAPTER A – GENERAL

#### SECTION 125.010: APPOINTMENT

- A. Members of a Commission shall be appointed by the Chairman of the Board of Trustees subject to the approval of the majority of the Board of Trustees by motion.
- B. Every member of a Commission shall be a qualified voter under the laws and constitution of this state and the ordinances of the Village of Wardsville.
- C. Every member of a Commission shall be a citizen of the United States, and an inhabitant and resident of the Village for one year next preceding his or her appointment, and a resident during the time he or she serves.
- D. No person appointed to serve on a Commission shall be in arrears for any tax, lien, water or sewer charge, miscellaneous charge, forfeiture, or defalcation in office.

#### SECTION 125.020: CHAIRMAN AND TRUSTEE LIAISONS

- A. The Chairman shall be a non-voting and ad-hoc member of every Commission except as otherwise noted below. One member of the Board of Trustees shall be a non-voting member of every commission except as otherwise noted below, who shall serve at the pleasure of the Chairman. The purpose of the Trustee Liaison is to provide a channel between the Commissions and the Board of Trustees for the exchange of information and direction.
- B. Standing Committees Appointed. The Chairman shall, at the first meeting of the Board of Trustees after each annual election, name the *members* of such standing committees as he deems necessary, which shall consist of at least one member of the Board of Trustees and/or the Chairman. All Committees shall be appointed by the Chairman.
  - 1. The Trustee Liaison shall be a voting member of the Commission. The Trustee serving as the designated member on the Commission shall serve for a term of one year, or until his or her successor is appointed.

**SECTION 125.030: VACANCIES**

Should, for any reason, a vacancy occur on a Commission, the Chairman shall appoint, with the approval of the Board of Trustees, a person to serve as a member of that Commission until the term of the former member expires.

**SECTION 125.040: ATTENDANCE OF MEMBERS**

Commission members must attend all regularly scheduled meetings of the Commission except in case of a serious illness, an extenuating circumstance or a death in the family as defined in the personnel manual.

**SECTION 125.045: REMOVAL OF MEMBERS**

The Board of Trustees may remove any citizen member for cause stated in writing and after a public hearing.

**SECTION 125.060: VILLAGE COOPERATION**

The Commissions may request and shall receive the cooperation of Village staff to the extent of supplying the Commission with information for the furtherance of its duties. Under no circumstance shall a commission member or chairman, order, strongly recommend, or instruct any employee of the Village in reference to job duties or performance. Requests and suggestions shall be made only to the Chairman or Trustee Liaison and routed by them to the Board of Trustees for action.

**SECTION 125.070: LACK OF QUORUM**

The Village must continue operating with or without certain commissions. In the event a quorum for a scheduled meeting does not exist, the Board of Trustees have the right to act on issues without the recommendation of a specific commission.

**SECTION 125.080: MEETING DATES**

All Commissions shall meet as needed for the accomplishment of its duties and purposes.

**SUBCHAPTER B: PLANNING AND ZONING COMMISSION**

**SECTION 125.100: ESTABLISHED**

The Village of Wardsville does hereby establish a Planning and Zoning Commission which shall consist of no more than nine (9) persons and no less than five (5) members, one of whom shall be a member of the Board of Trustees selected by the Board of Trustees, and the remaining members shall be citizen appointed by the Chairman and approved by the Board of Trustees. All citizen

members of the Planning and Zoning Commission shall hold no office or position in the Village administration. The term of each of the citizen members shall be four years, except that the terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered.

#### **SECTION 125.110: ORGANIZATION; RULES AND REGULATIONS; QUORUM**

The Planning and Zoning Commission shall elect annually from among its members its own chairman, vice chairman, and secretary, and from time to time provide such rules and regulations, not inconsistent with the ordinances of the Village, for its own organization and procedure as it may deem proper; provided, however, its chairman shall be elected from among the appointive members. Five members of the Commission shall constitute a quorum for the transaction of business.

#### **SECTION 125.120: REPORTS**

The Planning and Zoning Commission shall make a report to the Board of Trustees covering their investigations, transactions and recommendations, and such other and further reports relative thereto as it may deem proper or as required by the Board of Trustees.

#### **SECTION 125.140: POWERS AND DUTIES**

The Village Planning and Zoning Commission shall have the power and it shall be its duty to:

- A. Prepare a comprehensive city plan for the future development of the Village, including recommendations relative to the location, length, width, and arrangement of the streets, alley, bridges, viaducts, parks, parkways, playgrounds, boulevards, or other public grounds or improvements, the platting of public property into lots, plots, streets, or alleys, the location of railroad lines, transportation, or other channels for communication of any kind, the grouping of public buildings, the design and placing of memorials, works of art, power and lighting plants, street lighting, standards, telegraph and telephone poles, street name signs, billboards or projecting signs, elimination of railroad grade crossings, and all other things pertaining to the welfare, housing appearance, or beauty of the Village or any portion thereof.
- B. Make recommendations in connection with the execution and detailed interpretation of the Village plan, and make such changes and adjustments in the plan as may be deemed desirable from time to time.
- C. Act as a zoning commission, in accordance with the provisions of present or future state zoning enabling acts.
- D. Prepare and recommend to the Board of Trustees rules controlling the subdivision of land.

E. Make recommendations regarding the approval or disapproval of plats for land subdivision. Such plats shall be referred to the Planning and Zoning Commission before the Board of Trustees takes any action. Failure of the Village Planning and Zoning Commission to act within sixty days shall be deemed an approval.

F. Recommend from time to time legislation which may be desirable to further the purposes of Village planning.

G. Assume any other powers or duties as are provided for by the charger of the Village.

## **SUBCHAPTER C: PUBLIC WORKS COMMISSION**

### **SECTION 125.400: ESTABLISHED**

A. The Village of Wardsville does hereby establish a Public Works Commission, which shall consist of no more than nine (9) members and no less than five (5) members, one of whom shall be a member of the Board of Trustees who shall act as the Trustee Liaison.

B. The remaining members shall be residents of the Village of Wardsville. The term of each of the members shall be three (3) years, except that the term of the members first appointed shall be varying.

C. With exception of the Trustee Liaison member, no member of the Public Works Commission shall hold any office or position in the Village administration.

D. The Public Works Commission's authority is limited to providing recommendations to the Board of Trustees. The Public Works Commission shall not require a quorum to conduct business within the limits of its authority.

### **SECTION 125.420: DUTIES OF THE PUBLIC WORKS COMMISSION**

A. Review proposed plats, designs, subdivisions and other development plans to ascertain their compliance with Village Code.

B. Review proposed plats, designs, subdivisions and other development plans to ascertain how they impact and interact with existing or future Village infrastructure.

C. To investigate storm water retention and detention.

D. To make recommendations on equipment needs and improvements.

### **SECTION 125.430: REPORTS**

The Commission shall prepare and submit a report to the Board of Trustees as requested. The report may include suggestions on policies and ways of better promoting public work.

**SECTION 130.010: INTRODUCTION**

A. *Authority.* These policies, procedures, rules and regulations are hereby enacted by the Board of Trustees.

B. *Purpose.* The purpose of these rules is the formulation of sound personnel policies designed to promote efficiency and economy, reward meritorious service, provide for the settlement of grievances, develop and maintain morale, and establish non-discriminatory standards for the treatment of Village employees.

C. *Intent.* These personnel rules and regulations only outline the major employment policies of the Village of Wardsville. These rules and regulations do not intend to be and shall not be considered all-inclusive. The rules and regulations are not intended to be a substitute for the good judgment, common sense and discretion of Village personnel.

D. *Employment At Will.* All employees are employed "at will" and the Village expressly reserves the legal right to discharge or terminate employees at any time and for any reason. Likewise, employees have the legal right to terminate their employment at any time and for any reason. These personnel rules and policies are not a contract and are not intended to create any contractual obligations on the part of the Village.

E. *Changes In These Policies.* As circumstances arise in which the Village may determine that changes to these policies are necessary, the Village reserves the right to change these policies at any time and reserves the unilateral right to do so at any time without prior notice to its employees. Accordingly, no statement on these rules and policies is intended as a contractual commitment or obligation of the Village to any employee.

F. *Previous Policies.* These personnel rules and policies supersede and replace all previous rules and regulations.

G. *Consistent With Laws.* These policies and procedures shall not be inconsistent with but complimentary to related State and Federal laws and regulations. If any provision becomes invalid due to subsequent passage of interpretations of related legislation or court rulings, the remaining provisions shall not be invalidated.

H. *Administration Of These Policies.* It shall be the responsibility of the Clerk to administer, interpret and from time to time recommend to the Board of Trustees appropriate amendments in order to maintain the rules and policies.

## **SECTION 130.020: ORGANIZATION PHILOSOPHY**

A. *Mission.* The Village of Wardsville is committed to providing quality and effective services to its residents and to the general public at large.

B. *Values.* The strength and future growth of the Village is directly related to the contributions made by each individual within the organization. In order to create the proper climate for employees to achieve maximum contribution:

1. Employees will be placed in positions which best utilize their aptitudes and skills without regard to age, race, color, creed, sex, sexual orientation, political and religious affiliation, national origin, disability or handicap or marital status. Employees will be offered the opportunity for self-development and advancement through training and education.

2. Employees will be respected for their personal worth and dignity. They will be accorded fair and equitable treatment at all times through a program of compensation and general working conditions that reflect a spirit of social justice and social cooperation.

C. *Strategy.*

1. Commitment to the Village's mission and values will result in a desire on the part of each individual to excel in their work. This can be measured by innovation and teamwork resulting in the implementation of new and creative ideas.

2. The success of this strategy will manifest itself in:

- a. Growth in ability to serve.
- b. Increased efficiency.
- c. Greater productivity.
- d. Positive community relations and image projection.
- e. Access to resources of all kinds.

## **SECTION 130.030: PERSONNEL POLICY OBJECTIVES**

In order for the Village to fulfill its mission in the community, productive and competent employees at all levels in the organization must staff the Village. Accordingly, the Village seeks to provide employment conditions and policies which will attract, motivate and retain highly qualified employees.

## **SECTION 130.040: EMPLOYMENT POLICY**

### *A. Affirmative Action And Equal Opportunity Employer Policy.*

1. It is the policy of the Village of Wardsville, as set forth by the Board of Trustees, to provide employment, training, compensation, promotion and other conditions of employment without regard to age, race, color, creed, sex, sexual orientation, political and religious affiliation, national origin or marital status and in full compliance with the Americans with Disabilities Act.

2. Appropriate job-related standards will be applied to the condition of employment and will be maintained at a level consistent with the growth of the Village.

3. To the extent possible, the Village will seek out individuals with the best qualifications and the most promising potential to meet its employment requirements. Within its capacity, the Village will provide appropriate training and development to enable individuals to successfully complete their training period and qualify for continued employment.

### *B. Employment Policy.*

1. All employment will begin with a training period to allow the employee the opportunity to demonstrate an ability to perform the job and the Village to assess performance. Unless otherwise stated in the written job offer, the training period will cover the first three (3) months of employment. The training period shall be regarded as an integral part of the evaluation process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new, transferred or promoted employee to the position, and for replacing any employee whose performance does not meet the required work standards.

2. During this training period, an employee may be dismissed for any lawful reason and there shall be no right of appeal or grievance upon such dismissal.

#### *a. Procedure.*

(1) All applicants for employment must complete the Village's official job application form. An authorized representative of the Village will review all applications, check references and verify appropriate application information.

(2) Applicants selected for employment will be issued a letter confirming the offer of employment stating pertinent details such as position title, salary, nature of duties, date acceptance or rejection of the offer is expected and any other special conditions of employment. The letter will be signed by the Village Clerk or Chairperson of the Board of Trustees as appropriate.

(3) Selection of the all employees will be made by the Board of Trustees.

(4) Basic personnel policies will be discussed with a prospective employee, by the appropriate person, during the interview process. After employment is confirmed, the new employee will, upon their request, be given a copy of the personnel policies and procedure policies.

(5) The Chairman of the Board of Trustees will be responsible for the administration of personnel issues in accordance with the Village's policy of Equal Employment Opportunity and Affirmative Action and in accordance with State and Federal laws. The Board of Trustees will be consulted on such matters as appropriate.

C. *Harassment Policy.* It is the firm commitment of the Board of Trustees to prohibit any type of employee harassment. The Village of Wardsville will not tolerate the harassment of any employee by another employee of the Village.

1. *Purpose.* The purpose of this policy is to avoid the occurrence of harassment of its employees in the workplace, to define the Villages' position with respect to the harassment of its employees, and to set forth procedures to be followed in the event a problem develops in this area. This policy also describes the corrective action that will be taken with any employee who engages in such conduct.

2. *Policy.* It is the policy of the Village of Wardsville that all employees should be able to enjoy a working atmosphere that is free from all forms of discrimination, including harassment. Harassment infringes on every employee's right to a comfortable and productive work environment and undermines the integrity of the employment relationship. No employee, male or female, should be subjected to unsolicited or unwelcome conduct, either verbal or physical. The Village of Wardsville is committed to provide a positive working environment in which each employee is respected as an individual and can realize his/her full potential, with equal opportunity for advancement and personal growth. Consistent with this commitment, the Village strictly prohibits all forms of harassment and any employee who is found to have engaged in harassment will be subject to immediate corrective action, up to and including termination of their employment.

3. *Definitions.* Sexual harassment consists of unwelcome sexual advances, request for sexual favors or other verbal or physical conduct of a sexual nature where:

- a. Submission to such conduct is made a term or a condition of employment;
- b. An employment decision (such as promotion or job assignment) is based on acceptance or rejection of such conduct; or
- c. Such conduct interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment.

4. Sexual harassment takes a variety of forms and may involve employees in any job and at any level of responsibility. Although it would be impossible to list all forms of sexual

harassment, we have set out some examples of conduct which would violate the Villages' Harassment Policy:

- a. Intentional physical conduct of a sexual nature, such as touching, fondling, pinching, patting or grabbing another employee;
- b. Making unwelcome or persistent sexual advances toward another employee;
- c. Making sexual comments, jokes, noises or gestures to, or in the presence of, another employee;
- d. Using explicit or derogatory sexual terms in reference to, or in the presence of, another employee, displaying sexually explicit or sexually oriented materials in the workplace including, but not limited to, magazines, posters, calendars, photographs, sketches or cartoons;
- e. Granting or promising preferential treatment to an employee in exchange for submitting to or participating in sexual conduct;
- f. Threatening an employee with termination, demotion, poor evaluation or other detrimental or retaliatory conduct as a means to obtain sexual favors;
- g. Retaliating in any way against an employee who has complained of or reported sexual harassment or who has participated in the investigation of such conduct.

5. Other forms of harassment may include:

- a. Threatening an employee with physical harm.
- b. Verbal abuse of an employee based on physical appearance, national origin, sexual orientation, religion, race, age, gender, disability or creed.

6. *Reporting.* Any employee who believes that he/she has been the victim of harassment or who has witnessed or has knowledge of such behavior is urged to report such conduct to a member of the Board of Trustees.

7. *Investigations.*

a. All reported incidents of harassment will be promptly investigated by the Board appointed liaison. In the event that the incident in any way involves the liaison, then the investigation shall be the responsibility of Chairperson of the Board of Trustees. The information that is gathered will be handled confidentially. No employee will be subjected to any form of retaliation for making a good faith report or participating in an investigation of harassment. Investigations may vary depending upon individual circumstances but will include,

at a minimum, interviews with the complaining party, the accused and, if necessary, any alleged witnesses.

b. Upon completion of the investigation, a complete report will be provided to the Board of Trustees who will, in Executive "Closed" Session, take such corrective action, which may involve any level of corrective action up to and including immediate termination of employment.

D. *Hours Of Work And Overtime Policy.*

1. All Village employees in executive and administrative positions are considered to be "exempt" as defined by the Fair Labor Standards Act, as amended (the "Act") and are therefore not paid overtime for hours worked in excess of forty (40) hours during the workweek. All positions not specifically identified as executive or administrative are designated as "classified" and are paid at an hourly rate and therefore eligible for overtime compensation or the minimum wage provisions by said Act.

2. Although every effort will be made to avoid it, overtime work may occasionally be required. The normal workweek for "classified" personnel is forty (40) hours with meals excluded. Hours worked in excess of forty (40) hours during the workweek will be paid at the premium overtime rate of one and one-half (1½) times the equivalent straight time hourly rate. Vacation time, sick leave time, holidays and other time off shall not be considered as hours of work for the purposes of computing overtime. The Clerk may reschedule daily hours or the workweek of any employee when necessary to successfully carry out the Village's business.

3. The standard workweek (Sunday--Saturday) for staff members exempt from the provisions of the "Act" will be forty (40) hours. Due to the nature of their work, however, they may need to be available for duty beyond the normal workweek. The regular salary of these employees is considered full compensation for the standard workweek, including casual, irregular or extra work hours inherent in the performance of their assigned position functions.

4. If an hourly employee is called to work outside of a normally scheduled workday or is called back to work after having completed a regularly scheduled workday, the minimum overtime for which compensation will be made will be two (2) hours.

E. *Employment Benefits.* The Village seeks to provide benefits to all employees that, when combined with salary, provide a reasonable foundation for economic security.

1. *General benefits.*

All employees are covered by Social Security, Workers' Compensation and unemployment insurance from the first (1st) day of employment, in accordance with applicable laws and regulations. Worker Compensation and unemployment insurance costs are paid by the Village; employees and the Village contribute to the Social Security Fund (FICA).

2. *Vacation leave policy.*

a. Vacation leave shall accrue to all full-time employees based upon their years of continuous service with the Village and part-time employees who work at least twenty (20) hours per week and have been employed by the Village for at least six (6) months.

b. During the first (1st) year of service, all full-time and part-time employees shall accrue vacation leave and may take vacation leave provided that the employee has completed six (6) months of continuous employment.

c. Vacation leave will be granted to employees each year based on length of service. Vacation leave must be earned before it is taken and may be used in one (1) hour increments. Full-time employees will earn vacation as follows:

| <i>Years of Service</i> | <i>Hours Earned per Month</i> | <i>Maximum Balance</i> |
|-------------------------|-------------------------------|------------------------|
| 0--4                    | 10                            | 180                    |
| 5--15                   | 12                            | 216                    |
| 16+                     | 14                            | 252                    |

d. Part-time employees will be entitled to prorated vacation leave based upon the following formula:

|                                   |      |
|-----------------------------------|------|
| After 80 hours worked in a month  | 50%  |
| After 120 hours worked in a month | 75%  |
| After 160 hours worked in a month | 100% |

3. *Sick leave policy.*

a. Sick leave is not an earned benefit. Absence from scheduled work, whether "excused" or "unexcused", can lessen the Village's efficiency. Sick leave is a privilege granted in recognition of faithful service when employees are ill and unable to work; thus, unused sick leave is not payable at the time of termination.

b. Accrued sick leave may be used in the following situations:

(1) The employee is incapacitated for the performance of assigned duties by sickness or injury; or periods of time required for medical, surgical, dental or optical examinations or treatment.

(2) *Members of employee's household.* The employee is absent due to an illness of the employee's spouse, children, other relatives or unrelated

members of the employee's household who require the employee's personal care and attention.

(3) Unusual cases will be handled on an individual basis. The final decision concerning the usage of sick leave rests with the Chairperson of the Board of Trustees and is based upon the degree to which the employee is responsible for providing personal care and attention for a family member, who may or may not reside in the household, or for another member of the household. Merely "visiting" a relative or household member who is ill or hospitalized would not justify usage of sick leave.

c. Full-time employees accumulate sick leave at the rate of eight (8) hours per month with a maximum accumulated balance of two hundred forty (240) hours. Sick leave is used in one (1) hour increments.

d. New employees accrue sick leave but cannot use sick leave until after completing their training period.

e. Chronic and pattern absenteeism and/or tardiness or other abuse of this policy will lead to disciplinary action up to and including termination of employment. Examples of pattern absenteeism include, but are not limited to, absences on any Mondays or Fridays and/or days adjacent to a holiday(s).

f. Part-time employees will be entitled to prorated sick leave based upon the following formula:

|                                   |      |
|-----------------------------------|------|
| After 80 hours worked in a month  | 50%  |
| After 120 hours worked in a month | 75%  |
| After 160 hours worked in a month | 100% |

#### 4. *Holiday policy.*

a. The Village recognizes the following holidays as paid time: New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve Day, Christmas Day

b. If any of the recognized holidays fall on a Saturday, the previous Friday will be observed as the holiday. When any of the recognized holidays fall on a Sunday, the following Monday will be observed as the holiday. When any of the recognized holidays fall within the period of annual or sick leave, the holiday may be added to either. Exempt employees who are required to work on a recognized holiday will be given a substitute holiday to be taken within thirty (30) days thereafter.

c. Non-exempt employees who are required to work on a recognized holiday will paid at time and one-half (½).

5. *Jury duty policy.* The Village recognizes the civic duty of employees to serve on juries when called. An employee performing jury duty will continue to receive their regular salary during the period of service and may retain the jury fee. A copy of the jury duty summons and jury duty service certification must be submitted for placement in the employee's file. However, part-time employees will not be paid jury duty leave for hours not normally scheduled to work.

6. *Bereavement leave policy.* Full-time employees may be granted up to three (3) working days of leave without loss of regular pay in the event of a death in the immediate family. If the allowable number of days is not sufficient, additional days may be taken as vacation time or unpaid leave. For the purpose of this policy, "immediate" family is defined as follows:

|               |                 |                   |
|---------------|-----------------|-------------------|
| Spouse        | Father-in-law   | Parents           |
| Mother-in-law | Children        | Son-in-law        |
| Grandparents  | Daughter-in-law | Grandchildren     |
| Guardian      | Siblings        | Significant other |

7. *Unpaid leave of absence policy.*

a. The Chairperson of the Board of Trustees, may grant a permanent full-time employee an extended leave of absence without pay, benefits, accrual of vacation or accrual of sick leave, not to exceed twelve (12) calendar weeks. Leave of absence may be granted for medical reasons; to care for a newly adopted, foster care or newborn child; to care for the employee's spouse, son, daughter or parent with a serious health condition; or because of an employee's own serious health condition that makes the employee unable to work at all or to perform the essential functions of the employee's job. Such leave shall be granted only after all of the employee's accrued sick leave and vacation leave have expired.

b. If leave is granted hereunder because of an employee's medical condition, the employee may be required to submit a statement from his/her attending physician which shall include the date the serious health condition began; the physician's judgment concerning the probable duration of the condition; the diagnosis of the serious health condition; a statement of the course of treatment; an indication of whether in-patient hospitalization is necessary; and a statement that the employee either cannot perform any kind of work or cannot perform the essential functions of his/her job. If the leave is to care for a family member, the employee may be required to provide a statement from the family member's physician indicating that it would be desirable or beneficial for the employee to provide care for the family member.

c. Employees seeking to use leave under this policy are required to provide thirty (30) days' advanced notice of the need to take leave if the need for the leave is foreseeable based on an expected birth or placement of a child or planned medical treatment for the serious health condition of the employee or family member. If thirty (30) days' notice is not practicable under

the circumstances, notice must be given as soon as practicable. Notice should include the reason for the requested leave, the anticipated start of the leave and the anticipated duration of the leave.

d. *Procedure.* A request for an unpaid leave of absence must be made in writing to the Board of Trustees and specify the purpose, length and specific dates thereof. If the request is covered under FMLA, the employee must also provide a copy of the physician's documentation of the medical diagnosis. The Chairperson of the Board of Trustees will notify the employee, in writing, of the decision of the Board.

8. *Continuing education.*

a. The Village recognizes that attendance at selected outside seminars, conferences and/or workshops are mutually beneficial to the employee and the Village.

b. Employees are encouraged to participate in continuing education activities in areas related to their work and will be reimbursed for the cost of approved training, subject to the availability of funds and prior approval by the Board of Trustees.

9. *Military leave.*

a. Any employee who is to perform active duty or training or inactive duty or training in the armed forces of the United States, including, but not limited to, active reserves, shall be granted a leave of absence, as permitted by law. Further, an employee who leaves the Village for such military service may be paid accrued vacation for which the employee is eligible from the Village at the time of the leave of absence.

b. Any employee who leaves his/her job to serve in the armed forces is entitled to all rights provided for under State and Federal law during the performance of military duty and, upon completion of the military duty, the employee is entitled to reinstatement to his/her former position or to a position equal in terms of seniority, pay and status to the one the employee left to go into the service unless the Village's circumstances have changed so much that it would be impossible for this to be done. Those reinstatement rights are conditioned upon the employee fulfilling the basic requirements for reinstatement under Federal and State law.

c. An employee who is reinstated following completion of military service shall be eligible to take accrued vacation thirty (30) days after reinstatement.

d. In addition to a leave of absence otherwise authorized in these rules, employees who are required to take annual periods of training as members in organized units of the Reserve Corps of the Army, Navy, Air Force, Marine Corps, Coast Guard or the National Guard and who are ordered to active duty will be granted a leave of absence without loss of time, pay, regular leave, impairment of job evaluation or any other benefits to which they may otherwise be entitled, upon proper application through the Clerk for the duration of said period of annual training not to exceed fifteen (15) working days in any Federal fiscal year.

10. *Voting time.* An employee eligible and registered to vote in any election held within this State or any primary election held in preparation for such election shall, on the day of such election, be entitled to leave from duty (if on duty) which would allow three (3) hours of voting time between the time of opening and the time of closing the polls. This Section shall not apply to a voter on the day of the election if there are three (3) successive hours while the polls are open in which the employee is not on duty. The Clerk may specify any three (3) hours between the time of opening and closing of the polls during which an employee may be granted voting leave. Generally, said leave shall not exceed one (1) hour of paid on-duty time for each election day. Exceptions may be arranged with the approval of the Clerk. Employees may be required to show current eligible voter registration cards to Clerk prior to release for voting purposes and no employee shall be granted time off with pay for voting who is not eligible to participate in a given election.

11. *Employment restrictions.*

a. No Village employee shall solicit any contribution for the campaign fund of any candidate for Village of Wardsville office or take part in the political campaign of any candidate for Village office. All employees may exercise their rights as a private citizen to express opinions and, if a registered voter in the Village, sign a nominating petition for any Village candidate and vote in any Village election. Political affiliation, participation or contribution shall not be considered in making any Village employment decision. No Village officer, employee or member of a board or commission shall use official authority or official influence for the purpose of interfering with or affecting the result of any election to or nomination for Village of Wardsville office. No Village officer, employee or member of a board or commission shall directly or indirectly coerce, attempt to coerce, command, advise or solicit a Village employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political or electoral purposes.

b. No employee, either full- or part-time of the Village, while on duty or while in uniform that identifies the individual as an employee of the Village shall canvass on behalf of any candidate, political party or political issue; display a political picture, sticker, badge or button; attend a political rally, fund raising function or other political gathering; circulate or sign a political petition; or serve as an election judge or clerk.

c. No employee shall place or allow to remain upon a Village vehicle used by the employee in the course of employment any political picture, sticker, badge or button.

d. Nothing in these regulations shall be construed to restrict an employee's freedom to express an opinion or exercise the right to vote.

e. No Village employee shall use Village equipment, personnel, facilities or resources to promote or help promote any civic, social, business or political candidate or any other non-Village purpose without the express written consent of the Clerk or the Board of Trustees.

**SECTION 130.050: COMPENSATION**

A. *Pay Period.* All Village employees will be paid biweekly. When the payday falls on a Village holiday, employees will be paid the preceding workday.

B. *Procedure.*

1. Time records showing the hours worked and leave taken will be maintained on a regular basis. Vacation and sick leave accruals will be maintained by the Clerk on each employee's attendance report.

2. Time and attendance records will be submitted to the Village Clerk for approval at the end of each month.

C. *Supplementary Employment.*

1. Any employee who wishes to engage in supplementary employment may do so without jeopardizing their employment with the Village, subject to the following conditions:

2. The proposed activity is approved by the Board of Trustees.

3. The activity will not harm the Village's public relations image.

4. The activity will not interfere with the individual's work or work schedule at the Village.

5. There is no potential for a conflict of interest.

6. The activity will not require the use of the Village's facilities, equipment, supplies or other personnel.

D. *Professional And Other Memberships.* Participation in community activities and professional organizations is encouraged when such activities are consistent with the mission of the Village and do not interfere with the employee's work or work schedule.

**SECTION 130.060: COMPENSATION FOR JOB-RELATED EXPENSE**

*General Policy.* Employees required to travel on Village business and/or who incur other authorized expenses on behalf of the Village will be reimbursed under the travel reimbursement procedure.

1. *Out-of-town travel.* When out-of-town travel is required, air, bus, personal vehicle or train transportation may be used; however, reimbursement will be made at the lowest rate of air coach fare or mileage, whichever is less. Reimbursement for hotel/motel accommodations will be made for the actual costs incurred for a single room with bath, unless otherwise

authorized. When accommodations are required for an extended period of time, weekly rates will be obtained if available. Miscellaneous expenses, such as tips, meter fees, bridge tolls, etc., are considered usual expenses and will be reimbursed on a reasonable actual cost basis. Receipts for accommodations, transportation, meals and off-street parking should be obtained and submitted with the expense account.

2. *Travel within the Wardsville area.*

a. Employees using their own personal vehicles for business will be reimbursed for such use at the current rate established by the Internal Revenue Service. Employees are responsible for their own auto insurance when using their personal vehicles while on Village business. The Village requires valid copies of driver's license and current auto insurance for all employees who use their personal vehicle for business. Rental car expenses will not be reimbursed.

b. Employees delegated to attend luncheon and dinner meetings as Village representatives will be reimbursed for all time and expenses incurred in doing so.

**SECTION 130.070: PERSONNEL**

A. A confidential personnel folder will be maintained by the Village on each employee. Information contained in this file will include data pertinent to the individual's employment, such as their application form, reference checks, work history, job descriptions(s), performance evaluations, disciplinary actions, counseling records, commendations, etc. Personnel folders are available only to the employee, the Clerk and the Board of Trustees. An employee wishing to add, delete or change any file items must submit a written request to the Clerk identifying the item(s) involved, the desired actions and the reasons therefore. The Clerk will review all files annually to insure current compliance and remove all items of a disciplinary nature that are three (3) years or more old. Inquires relative to earnings or job performance must be submitted in writing to the Clerk on business or credit agency letterhead, and the employee must give written permission for such information to be released. Only written inquiries will be acknowledged. Inquiries should be addressed to the Clerk and will be limited to:

1. Employment confirmation.
2. Position title.
3. Length of service.

B. *Performance Evaluation.* For the purpose of employee development and salary administration, each employee's performance may be reviewed and evaluated annually on or near the employee's anniversary date of employment. The performance evaluation will be based primarily on how well the employee addressed the responsibilities outlined in the description of their position. All employees will be asked to sign their evaluations verifying

that they received the evaluation and that the performance discussions were held. The employee's signature does not necessarily indicate that the employee agrees with the evaluation. In the event of any disagreement over any part of the evaluation, the employee may file a written statement to that effect and that statement will be attached to the evaluation and become an integral part of the employee's personnel folder.

**SECTION 130.080: CORRECTIVE PERFORMANCE IMPROVEMENT AND DISCIPLINARY ACTIONS**

A. It shall be the duty of all employees to maintain high standards of conduct, cooperation, efficiency and economy in their work for the Village. The Clerk shall organize and direct the work of their units in a manner calculated to achieve these objectives.

B. Whenever work habits, attitude, production or personal conduct of an employee falls below a desirable standard, the Clerk shall point out the deficiencies at the time they are observed (or as soon as practicable thereafter).

C. Oral and written warnings with reasonable time for improvement and subsequent review shall precede formal discipline whenever, in the judgment of the Clerk, an infraction is readily correctable.

D. When an oral warning is given, the Clerk shall explain the infraction to the employee and indicate corrective measures that shall be taken. The Clerk will inform the employee that his/her conduct must improve or he/she will face more severe disciplinary action. The employee is required to sign an acknowledgement that the oral warning took place. A record of this warning will be placed in the employee's personal file and the employee will receive a copy. If no further action is taken on the matter in three (3) years, all written records of the oral warning will be removed from the employee's personnel file.

E. A written warning may be used for more serious infractions or in cases where the same rule has been broken. The Clerk should state, in writing, the nature of the infraction leading to the disciplinary action and prior warnings, if any. The warning should include what improvement is expected, the time limits for this improvement to occur and consequences of if the improvement goal is not met. The employee should read and sign the warning in the presence of the Clerk. One (1) copy of the warning will be placed in the employee's personal file, and one (1) copy will be given to the employee. If no future action is taken on the matter in three (3) years, all written records of the written warning will be removed from the employee's personnel file.

F. Corrective actions shall, at all times, be promptly administered and executed, thoroughly documented, appropriate to the infraction committed and shall never be used on account of political considerations, personal bias or prejudice.

G. Any disciplinary action shall be documented and explained to the employee. Eligible employees may appeal disciplinary actions against them pursuant to the Village's grievance procedure.

H. *Terminations.* Terminations of employment with the Village will be classified under one (1) of the following:

1. Resignation.

2. *Termination.* A termination is classified as a "resignation" when it has been voluntarily initiated by the employee. To remain in good standing and be eligible for rehire, the employee must submit their written letter of resignation at least fifteen (15) days in advance. If the employee's continued employment may be detrimental to the Village, employment may be terminated immediately.

3. *Discharge.*

a. A termination will be classified as a "discharge" when it has been determined that the employee's activities have not been in the best interests of the Village and/or the employee is guilty of conduct contrary to the policies and procedures of the Village.

b. Examples of conduct for which an employee may be discharged include, but are not limited to:

(1) Conviction of a felony while an employee of the Village.

(2) Misappropriation of Village funds, supplies or materials.

(3) Failure to carry out job duties and responsibilities in an acceptable manner.

(4) Violation of the Village's "Conflict of Interest" Policy.

(5) Insubordination.

(6) Possession, use or distribution of illegal drugs or controlled substances.

(7) Falsification of any Village records.

c. An employee discharged for cause will be paid only for time worked plus accrued vacation.

d. An employee wishing to appeal his/her termination may do so by giving written notice to the Chairperson of the Board of Trustees within five (5) working days after the date of

termination. The Board of Trustees will hear the appeal within ten (10) working days after the date of notice of appeal was received.

4. *Retirement.* An employee whose termination is the result of retirement will be paid through the last day of service, plus accrued vacation.

5. *Disability.* If an employee is unable to perform the essential functions of his/her position with or without reasonable accommodation because of disability, the Village may separate, transfer or otherwise dismiss that employee. The Village reserves the right to require any employee to undergo a physical or mental examination if the Village determines that there is an issue with respect to the employee's ability to perform the essential functions of his/her job or whether reasonable accommodation is necessary to enable the employee to perform the essential functions of the position.

6. *Return of Village property.* An employee leaving the Village's service for any reason and who has Village-owned equipment or property in his/her possession shall return such equipment or property to the Clerk prior to receiving his/her last paycheck. Failure to return said property may result in an amount being withheld from the employee's paycheck equal to the value of the property.

I. *Grievance Policy.* All employees shall have the right, except as specified herein, to utilize the grievance and complaint procedures of this Chapter. The grievance and complaint procedures of this Chapter will be available to permanent, full-time employees or part-time employees who work at least twenty (20) hours per week, who are not serving a probationary period, whether imposed due to a new position or for disciplinary performance reasons.

1. *Purpose.* The grievance procedure provides the employee with a means of discussion and resolution of work-related grievances. The procedure is intended as a means of resolving situations where employees believe personnel policies have been or are being violated and are not a means to contest management decisions.

2. *Time limitations.* Grievances must be filed with the Board of Trustees within ten (10) working days from the date of the alleged action (the time limit may be extended to ninety (90) days upon showing by the grievant that he/she did not or could not know of the alleged harm). An employee may file a grievance without fear of jeopardizing their position, chances for promotion or salary advancement. Paperwork associated with filing a grievance must be completed outside of scheduled working hours. All documentation from the entire process will be maintained in a single file.

3. *Procedure.*

a. Within ten (10) working days after the written grievance has been submitted, the Clerk will meet with the employee to discuss the grievance and what action, if any, should be taken. The Clerk will issue a written response within ten (10) working days of the meeting.

b. Should the Clerk's response not resolve the grievance, the employee may, within five (5) working days after receiving the report, request in writing a review by the Board of Trustees. The Chairperson of the Board of Trustees will arrange for a hearing of the full Board of Trustees within thirty (30) days from the date of the request. The decision of the Board of Trustees will be final.

**SECTION 130.090: SUBSTANCE ABUSE POLICY**

A. The Village proclaims that it will provide a drug-free workplace. Drug abuse in the workplace presents unacceptable dangers to the employees and the integrity of the Village. The Village reserves the right to routinely test employees for drug abuse as a condition of continuing employment when reasonable grounds to suspect substance abuse exist.

B. *"Reasonable grounds to suspect substance abuse exists"* is defined as suspicion based on personal observation by the Clerk or an elected official of an employee's appearance, behavior, speech or breath odor.

**SECTION 130.100: EMPLOYEES TO ACKNOWLEDGE RECEIPT OF POLICY**

All current and future employees will be required to acknowledge, in writing, receipt of a copy of this policy and comply with its provisions. Copies of this substance abuse policy will be permanently posted on Village bulletin boards.

## **CHAPTER 131: PURCHASING POLICY**

### **SECTION 131.010: PURPOSE**

The purpose of this Chapter is to establish rules and procedures governing the procurement of materials, supplies, equipment and services for the Village and to maintain a high ethical standard for all officers and employees of the Village in connection therewith.

### **SECTION 131.020: PURCHASING AGENT**

The Village Clerk shall act as the Purchasing Agent. The Purchasing Agent shall, in accordance with and subject to the rules, regulations and procedures in this Chapter and all applicable laws and ordinances:

1. Direct, supervise and be responsible for the procurement and acquisition of all materials, supplies and equipment, all contractual services and all insurance required by the Village;
2. Verify that all vendors and contractors of the Village have the appropriate insurance coverage;
3. Sell or dispose of all obsolete or unusable personal property of the Village under five thousand dollars (\$5,000.00) depreciated value;
4. Forward all purchases and contracts to Board of Trustees for final approval.

### **SECTION 131.030: PURCHASES LESS THAN THREE THOUSAND DOLLARS**

Purchases of less than three thousand dollars (\$3,000.00) may be authorized by the Chairman of the Board of Trustees.

### **SECTION 131.040: PURCHASES FROM THREE THOUSAND DOLLARS TO TEN THOUSAND DOLLARS**

- A. For purchases from three thousand dollars (\$3,000.00) to ten thousand dollars (\$10,000.00), the Village Clerk shall solicit at least three (3) non-sealed bids for the item or items, if practical.
- B. The Board of Trustees may then award the purchase or contract for services to the lowest responsible bidder who submits the bid which is most advantageous to the Village.

### **SECTION 131.050: PURCHASES GREATER THAN TEN THOUSAND DOLLARS**

- A. Whenever any contemplated purchase or contract for services is reasonably anticipated to cost more than ten thousand dollars (\$10,000.00), the Village Clerk shall cause to be published in one (1) issue of two (2) newspapers of general circulation in the county of Cole area a notice inviting sealed bids; said notice shall be published at least ten (10) days prior to

the date set for receipt for bids. The notice herein required shall include a general description of the articles to be purchased or the scope of services to be performed and the time and place for opening of sealed bids. At the direction of the Clerk a pre-bid meeting will be held for the purposes of explaining and answering questions with respect to the scope of the project. In addition, the notice shall be sent via certified mail to at least five (5) responsible prospective suppliers of the item to be purchased or services to be performed, including all suppliers of such items with whom the Village has done business within the preceding two (2) years. Bid packets will be available at the Village office until the date set for the receipt of the bids. If three (3) responsible suppliers cannot be reasonably located, the Village Clerk shall certify that fact at bid opening presentation. Notice of the invitation to bid shall be posted in a public forum within the Village.

B. Sealed bids shall be received by the Village Clerk office and shall be identified as bids on the envelope. The bids shall be opened in public at the time and place stated in the invitation to bid and in any public notice before at least two (2) Village witnesses; and after the opening, the Village Clerk shall tabulate all bids received and shall file a written report of the bids with the Board of Trustees together with his/her written recommendations as to whom the Village should award the contract.

C. When deemed necessary by the Village Clerk, bid deposits shall be prescribed in inviting bids. A successful bidder shall forfeit any surety required by the Village upon failure on the bidder's part to enter into a contract within ten (10) days after the award, and the invitation to bid shall so state. An unsuccessful bidder shall be entitled to return of his/her surety.

D. Any bidder shall, upon request, have a representative present at any mandatory pre-bid meeting. Failure to attend such meeting may be grounds to reject any subsequently submitted bid or any such project.

E. All bid documents will include an insurance clause as follows:

1. All bids shall include and cover the cost of Workers' Compensation insurance for all employees of the bidder and for all employees of all subcontractors. It is agreed that the successful contractor shall furnish the Village with a certificate of insurance from an insurance company with a Best's rating of at least B+/VII, or greater if required by the Board of Trustees, indicating statutory Workers' Compensation coverage and the minimum coverage amounts stated in Subsection (D)(2) of this Section. The policy of insurance shall have endorsed on it a requirement of at least thirty (30) days' written notice mailed to the Village indicating any cancellation or material change in coverage. The Board of Trustees may increase or decrease the minimum coverage amounts on a per project basis.

2. Minimum coverage amounts:

a. General liability:

|                       |                |
|-----------------------|----------------|
| (1) General aggregate | \$1,000,000.00 |
|-----------------------|----------------|

|     |   |                |
|-----|---|----------------|
| (2) | Product, completed operations aggregate | \$1,000,000.00 |
| (3) | Personal injury                         | \$1,000,000.00 |
| (4) | Each occurrence                         | \$1,000,000.00 |
| (5) | Fire legal liability damage             | \$100,000.00   |
| (6) | Medical expense                         | \$10,000.00    |
| b.  | Automobile combined single limit        | \$1,000,000.00 |
| c.  | Excess liability:                       |                |
| (1) | Each occurrence                         | \$1,000,000.00 |
| d.  | Employer's liability:                   |                |
| (1) | Each accident                           | \$100,000.00   |
| (2) | Disease, policy limit                   | \$500,000.00   |
| (3) | Disease, each employee                  | \$100,000.00   |

3. The contractor shall indemnify and hold harmless the municipality and its elected and appointed officials and employees from and against all claims, damages, losses and expenses, including attorney's fees arising out of or resulting from the performance of the work, provided that any such claim, damage, loss or expenses is:

- a. Attributable to bodily injury, sickness, disease or death or to injury to or destruction of tangible property, other than the work itself, including the loss of use resulting therefrom, and
- b. Was caused in whole or in part by any negligent act or commission of the contractor, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable regardless of whether or not it is caused in part by a party indemnified under this Chapter.

In any and all claims against the Village or any of its agents or employees by any employee of the contractor, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation under this Subsection shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits by or for the contractor or any subcontractor under Workers' Compensation acts, disability benefit acts or other employee benefit acts.

F. The following shall be the minimal guidelines in determining the lowest responsible bidder:

1. The ability, capacity and skill of the bidder to perform the contract or provide the services required.
  2. Whether the bidder can perform the contract or provide the services promptly or within the time specified without delay or interference.
  3. The character, integrity, responsibility, judgment, experience and efficiency of the bidder.
  4. Whether the bidder is in default on the payment of taxes, licenses or other monies due to the Village, County or State and this factor alone shall justify disqualification.
  5. The quality and performance of previous contracts or services.
  6. The previous and existing compliance by the bidder with laws, the provisions of this Code and other Village ordinances relating to the contract services.
  7. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.
  8. The quality, availability and adaptability of the supplies or contractual services to the particular use required.
  9. The ability of the bidder to provide, where applicable, future service and maintenance of equipment which is the subject of the contract.
  10. The number and scope of conditions attached to the bid.
  11. Performance and payment bonds are part of bid and provided for unless specifically excluded by the Board.
- G. Upon Board approval, the Village Clerk shall award the contract to the lowest or best responsible bidder, but the Board of Trustees reserves the right to reject any and all bids.

**SECTION 131.060: EXCEPTIONS TO THE PURCHASE POLICY**

- A. *Single-Source Purchases.* In the event there is only one (1) acceptable vendor capable of furnishing a particular service or commodity, the Village Clerk may be authorized to procure such service or commodity without bidding. The Village Clerk shall document the particular facts which make the item a single-source purchase.
- B. *Emergency Purchases.* Where an emergency situation requires immediate purchase of supplies or services and time is of the essence, the Village Clerk is authorized to procure the supplies or services needed without following the bidding procedures. The Clerk shall promptly notify all Board members, in writing, of any such emergency purchase.

C. *Situations Calling For Competitive Negotiations.* Where it can be demonstrated that the Village receives the best value on a purchase through informal discussion and bargaining rather than through the conventional bidding process, the Village Clerk need not follow the conventional bidding process exclusively. Such purchases shall be documented by the Village Clerk and given prior approval by the Board of Trustees. Examples would include, but not be limited to, circumstances where time is a crucial factor, when the procurement involves high technology items or when there is obvious inherent economy in purchasing from a particular vendor.

D. *Cooperative Purchasing.* The purchasing procedures established shall not apply to purchases made by, through or with the Division of Procurement of Cole County or any other governmental agency or unit with whom the Village is permitted to engage in cooperative purchasing. The Village Clerk has the authority to join with any other governmental unit in cooperative purchasing when the best interests of the Village shall be served by such cooperative purchasing.

E. *Professional Services And Real Estate.* Specifically excluded from the provisions of the Village's purchasing policy is the procurement of real estate and professional services with the Board's approval.

#### **SECTION 131.070: STATE AND FEDERAL LAWS**

Except in cases where they are not as restrictive as the Village's purchasing regulations, applicable State and Federal laws shall supersede any regulations of the Village of Wardsville concerning purchasing.

#### **SECTION 131.080: SUBDIVISION OF CONTRACTS**

No contract or purchase shall be subdivided to avoid the requirements of the Village's purchasing policy.

#### **SECTION 131.090: PURCHASE OF GOODS, SUPPLIES AND SERVICES**

Whenever possible in the purchasing of goods, supplies and services for use by the Village of Wardsville, Missouri, the Village Clerk is encouraged and urged, to the greatest extent possible, to purchase such goods, supplies and services from businesses located within the boundaries of the Village of Wardsville, Missouri, as long as the costs of said items are within ten percent (10%) of the prices for these same items offered elsewhere.

## **CHAPTER 200: POLICE PROVISIONS**

### **SECTION 200.010: POLICE SERVICE**

The Chairperson and Village Clerk are authorized to execute a contract for police services with the Cole County Police Department, or to return to services of a Village Marshall to enforce the terms hereof.

## **CHAPTER 205: ANIMALS**

### **SECTION 205.010: DEFINITIONS**

For the purposes of this Chapter, certain terms and words are hereby defined. Words used in the present tense include the future; the singular number includes the plural, and the plural, the singular; reference to the male gender includes the female, and reference to any person or animal without specifying gender, includes both male and female; the word "*shall*" is mandatory and not directory.

*ANIMAL*: Unless otherwise limited or further defined by the specific language of a Section, reference to animal shall include any household pet.

*AT LARGE*: Any dog shall be deemed to be at large when it is off the premises of its owner's real property and not restrained by a competent person.

*CAT*: All domestic species or varieties of the genus felis, male or female, four (4) months of age or older.

*CERTIFICATE*: A certificate issued at the time of the vaccination of the dog, and bearing thereon the signature of the vaccinator, the registration number, the name, color, breed and sex of the dog, the name and address of the owner, the date of the vaccination, and type of vaccine administered.

*CHICKEN EMBRYO, ORIGIN VACCINE*: Vaccine which is manufactured using the embryo of the chicken as a growth medium and also known as Flury Strain vaccine.

*COMPETENT PERSON*: A human being that is capable of controlling and governing the dog in question, and to whose commands the dog is obedient.

*DOG*: All domesticated members of the canis familiaris, male or female, four (4) months of age or older.

*EUTHANIZE:* To put to death in a humane manner.

*EXPOSED TO RABIES:* Any dog or cat, whether it has been registered or vaccinated for rabies or not or other animal which has been bitten, been fighting with or has consorted with an animal known or suspected to have rabies or showing objective symptoms of rabies.

*HEALTH DEPARTMENT:* The Health Department of the County of Cole and any person, persons, departments or agencies authorized by the Village of Wardsville to enforce this Chapter or that otherwise possesses lawful jurisdiction over diseased animals.

*HOUSEHOLD:* Those members of a family including servants and attendants living in the same dwelling unit.

*IMPOUND:* The apprehending, catching, trapping, netting, tranquilizing, confining, or if necessary, the destruction of any animal by the Health Department.

*IMPOUNDING FACILITIES:* Any premises designated by the Village of Wardsville or its contractor for the purpose of impounding and caring of all animals found in violation of this Chapter.

*KITTEN:* All domestic species or varieties of the genus felis, male or female, under the age of four (4) months.

*NERVE TISSUE ORIGIN:* Vaccine which is manufactured, using tissue of the nervous system as a growth medium.

*OWNER:* Includes any person who, or firm or corporation which owns, harbors, shelters, keeps, controls, manages, possesses, or has part interest in any animal.

The occupant of any premises on which a dog or cat remains for a period of seven (7) days or to which it customarily returns daily for a period of ten (10) days is presumed to be harboring, sheltering or keeping the aforementioned dog or cat, within this definition. Under no circumstances are the normal and ordinarily accepted definitions of the terms harboring, sheltering or keeping, to be limited to the words of the aforementioned presumption. If a minor owns a dog, puppy or other animal subject to the provisions of this Chapter, the head of the household of which such minor owner is a member, shall be deemed to be the owner of such dog, puppy or animal for the purpose of this Chapter and under this Chapter shall be responsible as the owner, whether or not such household head is himself/herself a minor. If not a member of a household, such minor owner shall himself/herself be directly subject to the provisions of this Chapter.

*PUP OR PUPPY:* All domesticated members of the canis familiaris, male or female, under four (4) months of age.

*RESTRAINT:* A dog, off the premises of its owner's real property is under restraint within the meaning of this Chapter:

1. If it is controlled by a line or leash not more than six (6) feet in length, when said line or leash is held by a competent person;
2. When at "heel" of a competent person;
3. When within a vehicle being driven, parked or stopped;
4. When not more than fifty (50) feet from a competent person, if such dog is not annoying or worrying any human being or domestic animal, or trespassing on private property, or in a public area where dogs are forbidden or required to be on a leash.

*REGISTRAR:* Any veterinarian, or any other person acting under the direction or control of a veterinarian who performs the services of vaccination-registration.

*RURAL:* Idle land or land which is used for agricultural purposes and through a lack of streets, lots, utilities and improvements is unsuited for Village uses whether located within the limits of a municipality or not.

*TAG:* Any object, regardless of the shape and material, which bears a registration number and the words: "Rabies Vaccination-Registration", which has been issued by authority of the Health Department.

*VACCINATE:* The injection, by a veterinarian, or his/her authorized agent, of a specified dose of anti-rabies vaccine into the body of an animal, such vaccine having the U.S. Government license number approval stamped on the label of the vaccine container and having been approved by the Health Department. Vaccine used for vaccination of dogs shall be stored and kept under conditions proper for the vaccine and shall show no signs of spoilage or otherwise be unfit for producing immunity against rabies.

*VACCINATION-REGISTRATION:* The procedure of vaccinating for rabies and issuing an identification number and an appropriate certificate. The above words shall be interchangeable.

*VETERINARIAN:* Any veterinarian, holding a current Missouri License and operating on a participating basis with the Health Department, as required by this Chapter.

**SECTION 205.020: VACCINATION--REGISTRATION OF DOGS AND CATS  
REQUIRED--EXCEPTION--TAGS**

- A. An owner of any dog or cat that is kept anytime during the year within the Village of Wardsville shall have such dog or cat vaccinated against rabies and registered. Such dogs or cats must be vaccinated at least once each year if a nerve tissue origin vaccine is used, unless a chicken embryo or other three (3) year type vaccine approved by the Health

Department is administered, in which case the dogs or cats shall be inoculated at least once every three (3) years, or if other vaccine approved by the Health Department is administered, then at the frequency approved by the Health Department.

B. Puppies and kittens shall be confined to their owner's premises.

C. It shall be unlawful for any person to own any dog or cat unless such dog or cat has been vaccinated against rabies.

**SECTION 205.030: HEALTH DEPARTMENT--AUTHORITY TO CONTRACT FOR DOG IMPOUNDING TERMS**

A. The Village Clerk is authorized and directed to make and enter into a contract on behalf of the Village of Wardsville, for the confinement, impounding, care, release, and disposing of dogs and other animals acquired pursuant to the provisions of this Chapter as follows:

B. The authority contained in Subsection (A) hereof shall be exercised after due notice inviting proposals and receipt thereof from any and all interested persons, firms, associations and corporations, public or private.

C. Cole County facilities may be utilized without inviting proposals.

**SECTION 205.040: NON-RABID ANIMALS--CLAIMING**

Any animal captured or impounded as authorized herein, and determined not to be infected with rabies may be redeemed by the owner or other person having the right of possession of such animal, upon the presentation of a proper vaccination-registration certificate, and upon payment of a shelter service fee when applicable. If the animal is not claimed in the manner provided herein, within five (5) days after its capture, such animal shall be disposed of by euthanasia or sale as directed by the Village Clerk. Before release by such sale, the buyer shall have the dog vaccinated and registered and pay the shelter service fee provided herein.

**SECTION 205.050: RABID ANIMALS--DISPOSAL**

The Village Clerk or person designated by it shall dispose of any animal infected with rabies and it shall have the power to examine and impound any animal bitten by or exposed to any other animal infected with rabies. It shall have the power to require the owners of such animal to take necessary measures to prevent further spread of rabies, and to dispose of any exposed animal, if such necessary measures are not taken by the owners.

**SECTION 205.060: DESTRUCTION OF ANIMAL REPORT**

Any person destroying an animal infected with rabies or suspected of being infected with rabies shall immediately notify the Village and shall surrender the carcass of such animal upon demand. The owner or custodian of any such destroyed animal shall immediately provide the Village Clerk with full particulars thereof, including the time, date, location, the names and addresses of any person bitten by said animal, and also the name and address of the owner or person having custody of any animal exposed to the animal destroyed.

**SECTION 205.070: RABIES--SUSPECTED OF, EXPOSED TO**

- A. Any dog, cat or other animal which exhibits objective symptoms suggestive of rabies may, after written certification by the Village to the owner, be impounded on or off the property of the owner. This animal shall be held for ten (10) days at the impounding facilities for clinical observation and, if alive at the termination of this period, shall be returned to the owner after payment of the shelter service fee provided for in Section 205.050. As an alternative procedure, the owner, at his/her own expense, may designate any Veterinary Hospital in the County for a similar ten (10) day period. If such animal shall die, during the observation period, regardless of the location, the head shall be removed and submitted to a qualified laboratory for examination.
  
- B. Any dog, cat or other animal, which has been exposed to rabies, shall be immediately destroyed, unless the owner, at his/her expense, desires, chooses, elects, specifies or picks one of the following alternative methods:
  - 1. Strict isolation in a kennel or animal hospital for six (6) months;
  
  - 2. If no previous vaccination has been given to an animal within a period of three (3) years with chicken embryo (Flury Strain) vaccine, or within one (1) year, using vaccine of nerve tissue origin, or if other vaccine approved by the County Health Department was used and if the effective protection limit of the last such vaccination has passed, then such animal shall be placed on a schedule of immunizations approved by the County Health Department.
  
  - 3. If an animal has been vaccinated previously with another vaccine approved by the Health Department within the duration of the vaccine's effective protection as approved by the Health Department, the animal shall be re-vaccinated and restrained by a leash or confined at home for thirty (30) days.
  
- C. All animals under clinical observation for rabies must fulfill all conditions of this Chapter prior to release.

**SECTION 205.080: RABIES--TO BE REPORTED**

Any person within the Village of Wardsville, Missouri, having information or knowledge of any animal that:

1. Exhibits clinical symptoms suggestive of rabies,
2. Has been exposed to rabies, or
3. Is suspected of having rabies

shall report such knowledge or information to the Village Clerk.

#### **SECTION 205.100: QUARANTINE**

A. Whenever rabies becomes prevalent in the Village of Wardsville, the Village Clerk shall recommend a quarantine order. The Village Clerk, during the first (1st) week after a quarantine order is issued, shall take proper measures to inform the people of the Village of the existence of the quarantine order and of the penalties attached to the violation of the quarantine order. A quarantine order shall direct that all animals, whether vaccinated and registered according to the provisions of this Chapter or not, shall be confined in the home of the owner or tied up, placed on a leash or otherwise confined under the direct physical control of a competent person, not less than fifteen (15) years of age. Any animal found otherwise, during such a quarantine, shall be impounded. Animals subject to rabies which are impossible to capture or impound, after the exercise of reasonable efforts and diligence, shall be destroyed, if the County Health Department so designates.

B. The quarantine may be terminated by the Village Clerk after the necessity therefore no longer exists. No quarantine shall remain effective for more than six (6) months from the date of the adoption of the quarantine order unless such quarantine order is specifically extended by order of the Circuit Court of Cole County.

#### **SECTION 205.110: ANIMAL BITE--PROCEDURE**

A. The owner of any dog, cat or other animal which bites any person, regardless of the circumstances, or irrespective of whether such animal is vaccinated and registered, shall be required to place such dog, cat or animal in the custody of the Health Department for confinement in a manner satisfactory to the Health Department and in a manner that will prevent contact with people and other animals for a period of ten (10) days, following the evening of the day of the bite, for the purpose of clinical observation. All expenses shall be borne by the owner of the dog, cat or other animal. If such dog, cat or other animal develops clinical symptoms suggestive of rabies, it shall be allowed to die a natural death, or, if for any reason, such dog, cat or other animal should die while in confinement, its head shall be removed by the veterinarian and submitted to a qualified laboratory. If, at the end of such ten (10) day period, such dog, cat or other domestic animal is alive and healthy, it may be released to its owner.

B. All dogs under clinical observation as the result of biting a person must fulfill all other conditions of this Chapter prior to release.

C. If, at the time of the biting, the dog, cat or other animal had not been vaccinated and registered, the procedure outlined in Section 205.220 shall be followed.

D. It shall be the duty of any person bitten by any animal or the parent or guardian of any minor bitten by an animal to report the same to the Health Department immediately. Such report shall contain the name and address of the owner and of the animal, the day and time bitten, the location where bitten, and a general description of the animal.

E. It shall be the duty of every physician to report immediately to the Health Department the full name, age and address of any person under his/her care or observation who has been bitten by an animal irrespective of whether infected with rabies or suspected of being infected with rabies or not so infected or so suspected and every veterinarian treating or having under observation any animal infected with rabies, or suspected of being rabid, or suspected of having been exposed to rabies, shall report to the Health Department, the owner's name and address, and if the animal is a dog, the vaccination-registration number.

**SECTION 205.120: RIGHT OF ENTRY**

It shall be unlawful for any person to conceal an animal or interfere with the Health Department or persons designated by it, in the performance of its legal duties, as provided in this Chapter. The Health Department or persons designated by it, shall have the right of entry onto any unenclosed lots or lands for the purpose of collecting any dog, cat or other animal, which is on such a lot or land, in violation of this Chapter and whose presence on such lot or land constitutes a violation of any of the provisions of this Chapter, or whose presence or existence is a violation of the provisions of this Chapter. The Health Department or its duly appointed representative shall have the right of entry to any property or premises within any quarantined area during the period of such quarantine, for the purpose of examining or obtaining any dog, cat or any other animal suspected of; having rabies, having been exposed to rabies, or having bitten a person or other animal.

**SECTION 205.130: ABANDONMENT OF ANIMALS**

No owner of any animal subject to rabies shall abandon such animal in the Village of Wardsville.

**SECTION 205.140: DANGEROUS DOG--NOTICE**

When any fierce or dangerous dog or any one that has previously attacked or bitten any person or domestic animal, or possesses a propensity to attack or bite man or domestic animal; or cause annoyance to persons using the public roads, streets and sidewalks, or chase, worry or molest

live stock, other dogs or children, or cause any damage or injury, which propensity is known or ought reasonably to be known by the owner of such dog, it shall be the duty of such owner to confine such dog on a chain, tether or leash, or confine to a yard completely enclosed by a fence of such height, strength and construction so as to prevent the dog confined therein from jumping over, through, or crawling under such fence, and to post a notice on the premises, conspicuously visible to the public and reading in letters not less than two (2) inches high "Beware of Dog". Any fierce or dangerous dog found off the premises of its owner may be seized by any Police Officer or other agent authorized by the Health Department and the dog and owner may be brought to trial. Upon establishment by a preponderance of the evidence of the fierce or dangerous character of such dog, by testimony, under oath (and reduced to writing) the Court may order such dog to be euthanized, or the owner subjected to the penalties provided in Section 205.220 (D) of this Chapter, or both euthanization and such penalties.

**SECTION 205.150: DOGS RUNNING AT LARGE--PROHIBITED--EXCEPTION**

A. It shall be unlawful for the owner of any dog, whether properly tagged and certified by vaccination-registration or not, to permit or allow such dog to run at large on land which is non-rural in character.

B. The provisions of Subsection (A) of this Section shall not apply to dogs being used in hunting, field trials and dog shows while on public lands set aside for those purposes, while on the private property of others with the actual, implied, customary or constructive consent of the owner of such private premises, or while on Federal, State, Municipal, or County roads or highways, in a rural area, while going to or coming from a hunting, field trial or dog show site. Nor shall the provisions or prohibitions in Subsection (A) of this Section apply to bloodhounds or other dogs used for tracking in conjunction with police activities, nor to dogs of the Canine Corps of any Police Force of the City of Jefferson, Cole County, the Missouri State Highway Patrol, any Federal law enforcement agency, or the Armed Forces of the United States, while being used to conduct official business or being used for official purposes.

**SECTION 205.160: PRESUMPTION WITH REFERENCE TO DOGS RUNNING AT LARGE**

In any prosecution charging a violation of Section 205.150 hereunder, proof that:

1. The dog was running at large in violation of said Section.
2. The defendant named in the complaint was, at the time described in the complaint, the person who owned such dog, shall constitute a rebuttable presumption that the owner permitted such dog to run at large.

**SECTION 205.170: REFUSAL TO DELIVER ANIMALS TO THE HEALTH DEPARTMENT--PROHIBITED**

No person shall refuse to deliver up to the Health Department any dog, cat or other animal subject to rabies, which such person owns, when requested to do so under the provisions of this Chapter.

**SECTION 205.180: ANIMAL WASTE**

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

**SECTION 205.190: VIOLATION AND PENALTIES**

The violation of, failure to comply with or the committing of any act prohibited in any provision of this Chapter shall constitute an unlawful act and upon the conviction of such unlawful act, unless a penalty has been otherwise specified within this Chapter, the person so convicted shall be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) and each day that such unlawful act continues to be committed shall constitute a separate offense.

**SECTION 205.200: CERTAIN LOUD AND OBNOXIOUS ANIMAL NOISES PROHIBITED**

A. Any cat or kitten, as defined by Section 205.010 of this Chapter, which by continual screeching, calling or meowing or any dog or pup, as defined by Section 205.010 of this Chapter, which by continual or habitual barking, howling or yelping shall annoy any neighborhood or person, is hereby declared to be a public nuisance, and any owner of such cat, kitten, dog or pup, upon being notified to do so by any officer of the Village shall take such action as may be necessary to prevent the animal from continuing the acts constituting the nuisance.

B. Five (5) days after such notice, as provided for in Subsection (A) hereof, is given by the Village or a representative thereof to the owner or possessor of such animal, or the person occupying the premises where such animal is located, of a violation of Subsection (A), the failure to control or prevent a continuation of the acts complained of, shall be prima facie evidence of the causing, allowing or creation by such owner or possessor, so notified, of a public nuisance.

C. The penalty for violation of this Section shall be twenty-five dollars (\$25.00) for the first (1st) offense and not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for a second (2nd) and subsequent offenses.

## **ARTICLE III-A. GENERAL PROVISIONS**

### **SECTION 210.005: DEFINITIONS**

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

*AFFIRMATIVE DEFENSE*: Has the meaning specified in Section 556.056, RSMo.

*BURDEN OF INJECTING THE ISSUE*: Has the meaning specified in Section 556.051, RSMo.

*CONFINEMENT*:

1. A person is in confinement when he/she is held in a place of confinement pursuant to arrest or order of a court and remains in confinement until:

- a. A court orders his/her release; or
- b. He/she is released on bail, bond or recognizance, personal or otherwise; or
- c. A public servant having the legal power and duty to confine him/her authorizes his/her release without guard and without condition that he/she return to confinement.

2. A person is not in confinement if:

- a. He/she is on probation or parole, temporary or otherwise; or
- b. He/she is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport him/her to or from a place of confinement.

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

1. It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or

2. It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

3. It is induced by force, duress or deception.

*CRIMINAL NEGLIGENCE*: Has the meaning specified in Section 562.016, RSMo.

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

*DANGEROUS FELONY*: The felonies of arson in the first degree, assault in the first degree, forcible rape, forcible sodomy, kidnapping, murder in the second degree and robbery in the first degree.

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

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

*FELONY*: Has the meaning specified in Section 556.016, RSMo.

*FORCIBLE COMPULSION*: Means either:

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

*INCAPACITATED*: That physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of his/her conduct, or unable to communicate unwillingness to an act. A person is not "*incapacitated*" with respect to an act committed upon him/her if he/she became unconscious, unable to appraise the nature of his/her conduct or unable to communicate unwillingness to an act, after consenting to the act.

*INFRACTION*: Has the meaning specified in Section 556.021, RSMo.

*INHABITABLE STRUCTURE*: Has the meaning specified in Section 569.010, RSMo.

*KNOWINGLY*: Has the meaning specified in Section 562.016, RSMo.

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

*MISDEMEANOR*: Has the meaning specified in Section 556.016, RSMo.

*OFFENSE:* Any felony, misdemeanor or infraction.

*PHYSICAL INJURY:* Physical pain, illness, or any impairment of physical condition.

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

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

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

*PURPOSELY:* Has the meaning specified in Section 562.016, RSMo.

*RECKLESSLY:* Has the meaning specified in Section 562.016, RSMo.

*RITUAL OR CEREMONY:* An act or series of acts performed by two (2) or more persons as part of an established or prescribed pattern of activity.

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

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

*SEXUAL CONDUCT:* Acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification.

*SEXUAL CONTACT:* Any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person.

*SEXUAL PERFORMANCE*: Any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen (17) years of age.

*VOLUNTARY ACT*: Has the meaning specified in Section 562.011, RSMo.

## **ARTICLE IV. GENERALLY**

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### **SECTION 215.010: NUISANCES AFFECTING HEALTH**

A. The following are declared to be nuisances affecting health:

1. All decayed or unwholesome food offered for sale to the public, or offered to the public at no charge.
2. All diseased animals running at large.
3. All ponds or pools of stagnant water.
4. Carcasses of dead animals not buried or destroyed within twenty-four (24) hours after death.
5. Accumulations, wheresoever they may occur, of manure, rubbish, garbage, refuse and human and industrial, noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes.
6. Garbage cans which are not fly-tight, that is, garbage cans which do not prevent the entry of flies, insects and rodents.
7. The pollution of any well, cistern, spring, underground water stream, lake, canal, or body of water by sewage or industrial wastes, or other substances harmful to human beings.
8. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities, or the presence of any gas, vapor, fume, smoke, dust or any other toxic substance on, in or emitted from the equipment of any premises in quantities sufficient to be toxic, harmful or injurious to the health of any employee or to any premises, occupant, or to any other person.
9. Common drinking cups, roller towels, combs, brushes or eating utensils in public or semi-public places where not properly sanitized after use.
10. Any vehicle used for garbage or rubbish disposal which is not equipped with a watertight metal body and provided with a tight metal cover or covers and so constructed as to prevent any of the contents from leaking, spilling, falling or blowing out of such vehicle at any

time, except while being loaded or not completely secured and covered so as to prevent offensive odors from escaping therefrom or exposing any part of the contents at any time.

11. Any and all infestations of flies, fleas, roaches, lice, ticks, rats, mice, fly maggots, mosquito larvae and hookworm larvae.

12. No person shall willfully discharge or cause to be discharged into a storm water system any waste materials, liquids, vapor, fat, gasoline, benzene, naphtha, oil or petroleum product, mud, straw, lawn clippings, tree limbs or branches, metal or plastic objects, rags, garbage or any other substance which is capable of causing an obstruction to the flow of the storm system or interfere with the proper operation of the system, or which will pollute the natural creeks or waterways.

13. The maintenance, upon public or private property, of dead or dying trees or tree limbs or branches which, by reason of their location, size, or state of deterioration, constitute a danger to the public health, safety or welfare.

14. All other acts, practices, conduct, business, occupation, callings, trades, uses of property and all other things detrimental or certain to be detrimental to the health of the inhabitants of the Village of Wardsville.

B. *Unlawful To Cause, Maintain Within One-Half Mile Of Village.* It is unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having control of any occupied lot or land or any part thereof in the Village of Wardsville, or within one-half (½) mile of the corporate limits of the Village of Wardsville, Missouri, to cause, permit or maintain a nuisance on any such lot or land. Additionally, it is unlawful for any person or his or her agent, servant, representative or employee to cause or maintain a nuisance on the land or property of another with or without permission.

Each day that a nuisance shall be maintained is a separate offense.

C. *Authority To Abate Emergency Cases.* In cases where it reasonably appears that there is an immediate danger to the health, safety or welfare of the public due to the existence of a nuisance, the Chairperson or his/her designate shall have the authority to order the Building Commissioner or other Village Official to immediately abate the nuisance in an appropriate manner.

D. *Abatement--Procedure Generally.* Whenever the Board of Trustees receives notification that a nuisance may exist, it shall proceed as follows, except as may be otherwise provided herein:

1. *It shall investigate the same.* The Board may order any person who has caused or is maintaining the nuisance to appear before the Board at such time and place as the Board may

direct to show cause, if any, why that person should not abate the nuisance. Every person required to appear before the Board shall have at least ten (10) days' notice thereof.

2. Such notice shall be signed by the Village Clerk and shall be served upon that person by delivering a copy thereof to the person, or by leaving a copy at his/her residence with some member of the family or household over fifteen (15) years of age, or upon any corporation by delivering the copy thereof to the president or to any other officer at any business office of the corporation within the Village. If the notice cannot be given for the reason that the person named in the notice or his/her agent cannot be found in the Village, of which fact the return upon such notice of the officer serving the same shall be conclusive evidence, such notice shall be published in a daily newspaper for three (3) consecutive days, if a daily, or once if a weekly paper, giving at least ten (10) days' notice from the final publication date of the time fixed for the parties to appear before the Board.

3. If after hearing all the evidence the Board of Trustees may determine that a nuisance exists, it may direct the person to abate the nuisance within twenty (20) days or within such other time as the Board may deem reasonable. Such order shall be served in the manner provided in this Section for service of the order to show cause. The order may further provide that the appropriate Village Official be directed to abate the nuisance if the order is not obeyed within the time period set by the Board, and that a special tax bill be issued for the costs of abating the nuisance.

4. If the order has not been obeyed within the time period set by the Board, the appropriate Village Official shall proceed to abate the nuisance in the manner provided by the order of the Board, and the cost of same, if ordered by the Board, may be assessed as a special tax against the property so improved or upon which such work was done; and, if so ordered, the Village Clerk shall cause a special tax bill therefore against the owner thereof when known, and if not known then against the unknown persons, and the certified bills of such assessment shall describe therein the property upon which the work was done.

5. The bills for the above work shall be recorded and shall be collected and paid as provided for the collection of other special tax bills for the repairing of sidewalks or grading or paving of streets and shall be a lien on the property.

6. The cost of abating nuisances on private property shall be levied and assessed on each lot in proportion to the amount of work done and material used in abating the nuisance located on each such lot. Included in such costs shall be any attorney fees or other professional fees reasonably incurred by the Village in the nuisance abatement process.

#### **SECTION 215.020: ANIMAL WASTE PROHIBITED ON PUBLIC AND PRIVATE PROPERTY--EXCEPTION**

Any person in physical possession and control of any animal shall remove excreta or other solid waste deposited by the animal in any public or private area not designated to receive such wastes including, but not limited to, streets, sidewalks, parking lots, public parks or recreation areas and

private property. The provisions of this Section shall not apply to a certified guide dog accompanying any blind, or otherwise disabled person.

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## **CHAPTER 220: VILLAGE-OWNED LAND REGULATIONS**

### **SECTION 220.010: SCOPE**

The provisions of this Chapter shall be in effect in all public park and recreational areas under the jurisdiction of the Village of Wardsville.

### **SECTION 220.020: USES AND PROHIBITIONS**

A. *Park Hours.* Use of any park or public land shall be restricted to the hours of 7:00 A.M.--10:00 P.M., unless permission is granted for use outside such hours by permit issued by the Board of Trustees, or their designated representative(s).

B. *Injuring Trees, Shrubbery, Natural Life And Other Property Prohibited.* It shall be unlawful for any person to disfigure, damage or in any way injure or destroy, either in part or in whole, or carry away any tree, shrub, plant, flower, stone, or stone work, bench, chair set, stand, structure, fence or property, fish, or animal, or anything belonging to or kept therein; or to post or affix or inscribe any handbill, poster, card, device, or inscription to or on any tree, fence, or structure upon land owned by the Village.

C. *Hunting Prohibited.* No person shall pursue, trap or kill any wildlife in any manner on park land. Fish may be caught in accordance with Missouri Department of Conservation rules and regulations. Firearms, guns or weapons of any kind are strictly prohibited on land owned by Wardsville.

D. *Operation Of Motor Vehicles Prohibited.* Motor vehicles are prohibited on Village-owned land with the following exceptions and under the conditions stated:

1. Vehicles utilizing disabled parking spaces.
2. Service vehicles.
3. Emergency vehicles.

4. Other vehicles approved by the Board of Trustees or their designated representative(s).
5. The speed limit upon such property owned by the Village shall be a maximum of five (5) MPH.

E. *Parking In Designated Areas Only.* The parking of vehicles on grassy areas is not permitted. Parking for handicapped vehicles will be allowed in areas designated for that purpose.

F. *Possession Of Alcohol Prohibited on Land Owned by Village.* No person shall possess any alcoholic beverage on Village land, nor carry, transport, or otherwise bring any alcoholic beverage onto such land except when expressly authorized by the Board of Trustees, or their designated representative(s) in conjunction with an approved reservation for a picnic shelter, picnic site, or other facility. The Village may require a security deposit of up to five hundred dollars (\$500.00) per day for any reservation authorizing alcoholic beverages, and may declare all or any part of such deposit forfeited if damage is done to Village property. The Board of Trustees, or their designated representative(s) may revoke authorization of alcoholic beverages at any time.

G. *Swimming And Ice Skating Prohibited.* Swimming, diving or wading in any lake, pond or stream owned by the Village is prohibited. Ice-skating is prohibited.

H. *Location Of Fires.* Fires may be built only in barbecue grills or fireplaces provided by the Village, and must be extinguished before leaving.

I. *Camping Permitted By Permission Only.* Camping is not permitted on Village owned land unless approved by the Board of Trustees or their designated representatives(s). Permits must be secured in advance, and camping must be restricted to those areas of the land approved by the Board of Trustees, or their designated representative(s).

J. *Disposal Of Trash.* Trash, rubbish and debris of all kinds shall be deposited in the containers provided for that purpose or shall be removed by the person(s) responsible for same. All areas shall be left in a clean and orderly condition. Dumping or depositing trash, rubbish or debris in or on any part of Village land or facilities other than in the receptacles provided is strictly prohibited.

K. *Glass Containers Prohibited.* Glass containers of any type are not permitted upon land owned by the Village.

L. *Animals.* No person shall bring onto Village land a dog or other domestic animal unless such animals are at all times restrained on a leash. No leash on which a dog or other animal is tethered or restrained shall be of greater length than six (6) feet. In addition, any person bringing a domestic animal onto Village property shall have with them an instrument and container to remove any wastes deposited by their animal. No person shall allow a dog or other domesticated animal into any waters or waterways owned by the Village for any

purposes. No person shall permit the running of a dog at large. Domestic animals are prohibited in and around Village grounds. No vicious animal of any kind shall be brought onto Village land at any time even though restrained as described above.

M. *Skateboarding.* Skateboarding is prohibited upon or about all Village property.

**SECTION 220.030: ENFORCEMENT**

The Board of Trustees acting by or through its designated representative(s) shall have the power to enforce any and all rules and regulations of the Village of Wardsville, pertaining to land owned by the Village, as set forth in this Chapter.

**SECTION 220.040: PENALTIES**

Any person, firm or corporation who shall violate any provisions of this Chapter or any rule or regulation adopted by the Village of Wardsville, pursuant to authority granted by this Chapter, shall upon conviction be punished by a fine of not less than fifty dollars (\$50.00) and not to exceed one hundred dollars (\$100.00) or by imprisonment in the County Jail for not more than ninety (90) days, or both such fine and imprisonment; provided however, that violations or prohibitions against destruction of natural vegetation or Village property shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

## **CHAPTER 225: SOLID WASTE REGULATIONS**

### **SECTION 225.010: DEFINITIONS**

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

*BULKY RUBBISH:* Non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial or institutional establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefore or which are otherwise not covered by a current agreement between the Village and a solid waste hauler.

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

*COMMERCIAL SOLID WASTE:* All solid waste generated from a source other than a dwelling unit.

*CONTRACTOR:* Such person, firm or corporation as may be contracted with to provide solid waste transportation and disposal for the Village.

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

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

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

*GARBAGE:* Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

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

*MAJOR APPLIANCES:* Clothes washers and dryers, water heaters, trash compactors, dishwashers, microwave ovens, conventional ovens, ranges, stoves, wood stoves, air-conditioners, refrigerators and freezers.

*OCCUPANT:* Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

*PERSON:* Any natural individual, firm, partnership, trust, association, or corporation. As applied to partnerships or associations, the word includes the partners or members thereof; and as applied to corporations, it includes the officers, agents, or employees thereof who are responsible for the act referred to.

*PROCESSING:* Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

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

*RESIDENTIAL SOLID WASTE:* Solid waste resulting from the maintenance and operation of dwelling units.

*SOLID WASTE:* Garbage, refuse and other discarded materials including, but not limited to, solid and semi-solid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in Sections 260.360 to 260.432, RSMo. Solid waste does not include "Yard Waste" as defined herein.

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

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

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

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

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

*VILLAGE:* The Village of Wardsville, Missouri.

*YARD WASTES:* Leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

**SECTION 225.020: SOLID WASTE STORAGE**

A. The occupant of every dwelling unit and of every institutional, commercial or business establishment producing solid waste within the corporate limits of the Village, shall provide sufficient and adequate containers for the storage of all solid waste, except bulky rubbish and demolition and construction waste, to serve each such dwelling unit and/or establishment, and to maintain such solid waste containers at all times in good repair.

B. The occupant of every dwelling unit and of every institutional, commercial or business establishment shall place all solid waste to be collected in proper solid waste containers and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Accumulation of waste in suitable containers shall not be stored upon any site in the Village for a period longer than ten (10) days.

C. Residential solid waste shall be stored in containers which meet the requirements of the current, existing contract between the Village and its contractor. All containers, including bags, shall be leak-proof and waterproof, fly-tight and properly covered, tied or enclosed, except when depositing waste therein, or removing the contents thereof. Containers other than bags shall have handles, bails, or other suitable lifting devices or features. Unless otherwise provided by the waste removal contract, containers other than bags shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of lightweight and sturdy construction. The weight of any individual container, including bags and its contents, shall not exceed sixty-five (65) pounds. Galvanized metal containers, or rubber, fiberglass or plastic containers which do not become brittle in cold weather may be used in addition to bags. Disposable solid waste containers with suitable frames or containers as approved by the Village may also be used for storage of residential solid waste. Galvanized metal containers, or rubber, fiberglass or plastic containers with suitable frames or containers as approved by the Village may also be used for storage of residential solid waste.

D. Commercial solid waste shall be stored in solid waste containers as approved by the Board. The containers shall be waterproof, leak-proof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all other rules and regulations established by the provisions of this Chapter.

**SECTION 225.030: COLLECTION OF SOLID WASTE**

A. The Village shall provide for the collection of residential solid waste in the Village, provided however, that the Village may provide the collection service by contracting with a

person, County, City or other Village or a combination thereof, for the entire Village or portions thereof, as deemed to be in the best interests of the Village.

B. All solid waste from premises to which collection services are provided under contract with the Village shall become the property of the collection agency upon being loaded into the transportation equipment.

C. Solid waste containers as required by this Chapter for the storage of residential solid waste shall be placed at the curb for collection but shall not be so placed until after 6:00 P.M. on the day next preceding the regularly scheduled collection day. Containers shall be removed from the curb no later than 8:00 P.M. on the day of collection.

D. Individuals desiring the collection of major appliances (white goods) shall call the waste disposal service then under contract with the Village directly to arrange for collection of such items. Same shall not be the responsibility of the Village. Same shall not be the responsibility of the Village.

E. Solid waste collectors employed by the Village or a solid waste collection agency operating under contract with the Village are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste.

F. It shall be the responsibility of the occupants of each dwelling unit to prepare, package and deliver solid waste to curbside for collection as prescribed in this Chapter and as it may be amended from time to time or as the contract between the Village and the solid waste hauler shall provide.

G. It shall be the responsibility of each commercial, industrial, institutional or other non-residential generator of solid waste to prepare, package and store solid waste so generated as prescribed by this Chapter and as it may be amended from time to time.

H. It shall be the responsibility of every solid waste collector to abide by this Chapter and receive and transport solid waste in a manner consistent with the provisions of this Chapter.

I. The following collection frequencies shall apply to collections of solid waste within the Village: All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. All commercial solid waste shall be collected at least once weekly, and shall be collected at such lesser intervals as may be fixed by the Board upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.

J. Residential solid waste containers shall be stored upon the residential premises. Except as provided in Subsection (C) hereof, all solid waste containers stored out of doors shall be stored behind the front building line. Commercial solid waste containers shall remain in the

location from which they are to be serviced except while being serviced. Any commercial waste container shall be kept in an enclosure shielding same from public view.

K. All solid waste collectors operating under contract with the Village or otherwise collecting solid waste within the Village limits shall be responsible for the collected solid waste from the point of collection to the point of disposal provided the solid waste was stored in compliance with the applicable Sections of this Chapter. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

L. It shall be unlawful for any person, firm or corporation collecting and disposing of rubbish, garbage or waste material from premises in the residential districts or premises in any commercial district which abuts or adjoins a residential district to make such collection or disposal of rubbish, garbage or waste materials between the hours of 10:00 P.M. and 5:00 A.M.

#### **SECTION 225.040: TRANSPORTATION OF SOLID WASTE**

A. All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternative, the entire bodies thereof shall be enclosed, with only loading hoppers. Provided however, other vehicles may be used for intermediate transport within the Village or to transport bulky rubbish which because of its size or weight, is not susceptible to being loaded or unloaded in vehicles described above. In no event shall such vehicles be operated without adequate cover or binding to prevent spillage or waste therefrom and in all respects their operation shall be in accordance with the rules and regulations made by the Board.

B. Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities. However, all such material shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.

#### **SECTION 225.050: DISPOSAL OF SOLID WASTE**

A. Solid wastes shall be deposited at a processing facility or disposal area approved by the Missouri Department of Natural Resources and complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 to 260.245, RSMo., and the rules and regulations adopted thereunder.

B. The Board may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the Board which will meet all local, State and Federal regulations.

**SECTION 225.060: RULES AND REGULATIONS**

A. The Board may make, amend, revoke and enforce reasonable and necessary rules and regulations, governing, but not limited to:

1. Preparation, drainage and wrapping of garbage deposited in solid waste containers.
2. Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.
3. Identification of solid waste containers, and of the covers thereof, and of equipment thereto appertaining, if any.
4. Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
5. Storage of solid waste in solid waste containers.
6. Sanitation, maintenance and replacement of solid waste containers.
7. Schedules of and routes for collection and transportation of solid waste.
8. Collection points of solid waste containers.
9. Collection, transportation, processing and disposal of solid waste.
10. Handling of special wastes such as toxic wastes, sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.

B. A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the Village Clerk of the Village.

**SECTION 225.070: PROHIBITED PRACTICES**

It shall be unlawful for any person to:

1. Deposit solid waste in any solid waste container other than his/her own, without the written consent of the owner of such container and/or, with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal;

2. Interfere in any manner with solid waste collection and transportation equipment, or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the Village, those of a solid waste collection agency operating under contract with the Village, or any duly licensed collector; or

3. Dispose of solid waste at any facility or location which is not approved by the Missouri Department of Natural Resources and the Missouri Division of Health.

**SECTION 225.080: BONDS**

The Board may require performance or payment bonds of any solid waste collection agency.

## **CHAPTER 300: GENERAL PROVISIONS**

### **SECTION 300.010: MODEL TRAFFIC CODE--ADOPTION AND EXCEPTIONS**

Chapter 300, RSMo., consisting of Sections 300.010 through 300.600, as amended, commonly known as the "Model Traffic Ordinance" is hereby adopted as part and portion of the Village Traffic Code, with the exception of the certain Sections deleted herein and with the addition of certain sections deemed necessary to the creation of a comprehensive Code consistent with the needs of the Village. All references to Traffic Division in the Model Traffic Ordinance are changed to read Police Department.

### **SECTION 300.020: DEFINITIONS**

The following words and phrases when used in this Title 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 (50) inches or less in width, with an unladen dry weight of six hundred (600) pounds or less, traveling on three (3), four (4) or more low pressure tires, with a seat designed to be straddled by the operator, and handlebars for steering control.

*AUTHORIZED EMERGENCY VEHICLE:* A vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the State Highway Patrol, Police, or Fire Department, Sheriff, Constable or Deputy Sheriff, Traffic Officer, or any privately owned vehicle operated as an ambulance when responding to emergency calls.

*COMMERCIAL VEHICLE:* Every vehicle designed, maintained, or used primarily for the transportation of property.

*CROSSWALK:*

1. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway;
2. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

*CURB LOADING ZONE:* A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

*DRIVER:* Every person who drives or is in actual physical control of a vehicle.

*FREIGHT CURB LOADING ZONE:* A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight (or passengers).

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

*INTERSECTION:*

1. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

2. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

*LANED ROADWAY:* A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

*MOTOR VEHICLE:* Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and motorized bicycles.

*MOTORCYCLE:* Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

*MOTORIZED BICYCLE:* Any two (2) wheeled or three (3) wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground.

*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 Village.

*OFFICIAL TRAFFIC CONTROL DEVICES:* All signs, signals, markings and devices not inconsistent with this Title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

*PARK OR PARKING:* The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

*PASSENGER CURB LOADING ZONE:* A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

*PEDESTRIAN:* Any person afoot.

*PERSON:* Every natural person, firm, co-partnership, association or corporation.

*POLICE DEPARTMENT:* The law enforcement department serving the Village of Wardsville from time-to-time, whether by contract or through direct employment by the Board of Trustees.

*POLICE OFFICER:* Every officer of the Police Department, as defined herein, or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

*PRIVATE ROAD OR DRIVEWAY:* Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

*RAILROAD:* A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

*RAILROAD TRAIN:* A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

*RIGHT-OF-WAY:* The right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

*ROADWAY:* That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

*SAFETY ZONE:* The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

*SIDEWALK:* That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

*STAND OR STANDING:* The halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

*STOP:* When required, complete cessation from movement.

*STOP OR STOPPING:* When prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic control sign or signal.

*STREET OR HIGHWAY:* The entire width between the lines of every way publicly maintained when any part thereof is open to the uses of the public for purposes of vehicular travel. "State Highway", a highway maintained by the State of Missouri as a part of the State Highway system.

*THROUGH HIGHWAY:* Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this Title.

*TRAFFIC:* Pedestrians, ridden or herded animals, vehicles, 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.

**CHAPTER 310: ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS**

**SECTION 310.010: AUTHORITY OF POLICE**

A. It shall be the duty of the officers of the Police Department or such officers as are assigned by the Board of Trustees to enforce all traffic laws of the Village and all of the State vehicle laws applicable to traffic in the Village.

B. Officers of the Police Department or such officers as are assigned by the Board of Trustees 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; such officers may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

**SECTION 310.020: OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS**

No person shall knowingly fail or refuse to comply with any lawful order or direction of a Police Officer or Fire Department official.

**SECTION 310.030: PERSONS PROPELLING PUSH CARTS OR RIDING ANIMALS TO OBEY TRAFFIC REGULATIONS**

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this Title applicable to the driver of any vehicle, except those provisions of this Title which by their very nature can have no application.

**SECTION 310.040: USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED**

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, 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 village.

**SECTION 310.050: PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS**

The provisions of this Title shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this State, County, or Village and it shall be unlawful for any said driver to violate any of the provisions of this Title, except as otherwise permitted in this Title.

**SECTION 310.060: AUTHORIZED EMERGENCY VEHICLES**

- A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this Section, but subject to the conditions herein stated.
- B. The driver of an authorized emergency vehicle may:
  - 1. Park or stand, irrespective of the provisions of this Title;
  - 2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
  - 3. Exceed the maximum speed limits so long as he/she does not endanger life or property;
  - 4. Disregard regulations governing direction of movement or turning in specified directions.
- C. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by siren or while having at least one (1) lighted lamp exhibiting a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle or a flashing blue light authorized by Section 307.175, RSMo.
- D. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his/her reckless disregard for the safety of others.

**SECTION 310.070: OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES**

- A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this State, or of a Police vehicle properly and lawfully making use of an audible signal only, 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.

B. This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

**SECTION 310.080: SIRENS AND FLASHING LIGHTS EMERGENCY USE, PERSONS AUTHORIZED--VIOLATION, PENALTY**

Motor vehicles and equipment, not otherwise defined in this Title as an authorized emergency vehicle, which are operated by any member of an organized Fire Department, ambulance association, or rescue squad, whether paid or volunteer, may be operated on streets and highways in this Village as an emergency vehicle under the provisions of Section 310.060, while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and while using or displaying thereon fixed, flashing or rotating red, white, yellow or blue lights, but sirens and blue lights shall be used only in bona fide emergencies. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the Chief of an organized Fire Department, organized ambulance association, or rescue squad and no person shall use or display a siren or blue lights on a motor vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. Permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this Section constitutes a misdemeanor.

**SECTION 310.090: IMMEDIATE NOTICE OF ACCIDENT**

The driver of a vehicle involved in an accident within the Village resulting in injury to or death of any person or total property damage to an apparent extent of five hundred dollars (\$500.00) or more to one (1) person shall give or cause to be given notice of such accident to law enforcement as soon as reasonably possible.

**SECTION 310.100: WRITTEN REPORT OF ACCIDENT**

The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of five hundred dollars (\$500.00) or more to one (1) person shall, within five (5) days after such accident, forward a written report of such accident to the Police Department. The provisions of this Section shall not be applicable when the accident has been investigated at the scene by a Police Officer while such driver was present thereat.

**SECTION 310.110: WHEN DRIVER UNABLE TO REPORT**

A. Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in Section 310.080 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give, or cause to be given, the notice not given by the driver.

B. Whenever the driver is physically incapable of making a written report of an accident as required in Section 310.090 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within five (5) days after the accident make such report not made by the driver.

**SECTION 310.120: PUBLIC INSPECTION OF REPORTS RELATING TO ACCIDENTS**

A. All written reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the police department or other governmental agencies having use for the records for accident prevention purposes, except that the police department or other governmental agency may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.

B. No written reports forwarded under the provisions of this section shall be used as evidence in any trial, civil or criminal, arising out of an accident except that the police department shall furnish upon demand of any party to such trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department in compliance with law, and if such report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved, and the investigating officers.

**SECTION 310.130: LEAVING THE SCENE OF A MOTOR VEHICLE ACCIDENT**

A. A person commits the offense of leaving the scene of a motor vehicle accident when being the operator or driver of a vehicle on the highways, streets or roads of the Village or on any publicly or privately owned parking lot or parking facility, within the Village, generally open for use by the public and knowing that an injury has been caused to a person or damage has been caused to property, due to his/her culpability or to accident, he/she leaves the place of the injury, damage or accident without stopping and giving his/her name, residence, including City and street number, motor vehicle number and driver's license

number, if any, to the injured party or to a Police Officer, or if no Police Officer is in the vicinity, then to the nearest Police Station or Judicial Officer.

B. For the purposes of this Section, all Peace Officers shall have jurisdiction, when invited by an injured person, to enter the premises of any such privately owned parking lot or parking facility for the purpose of investigating an accident and performing all necessary duties regarding such accident.

**SECTION 310.140: OPERATION OF MOTOR VEHICLES ON PARKING LOTS, DRIVE-INS AND PRIVATE WAYS**

A. Every person operating a motor vehicle on parking lots, drive-ins and private ways shall drive in a careful and prudent manner, exercising ordinary care and observing the posted speed limit or a lesser limit when required to avoid endangerment to the property of another or the life or limb of any person, taking into consideration the amount of vehicular and pedestrian traffic, the visibility and atmospheric conditions and the conditions of the roadway surface.

B. Any and all Statutes of the State of Missouri and Ordinances of the Village of Wardsville applicable to motor vehicles on public streets with respect to signaling, lights, backing, turning and sounding of horns shall apply to vehicles operated on parking lots, drive-ins and private ways.

C. In the event any provision, phrase or condition contained in this Section shall be determined by a court to be unenforceable, said provision, phrase or condition shall be considered severable and distinct from other legally enforceable provisions contained herein.

## **CHAPTER 315: TRAFFIC CONTROL DEVICES**

### **SECTION 315.010: AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES**

The Village Board of Trustees shall place and maintain traffic control signs, signals, and devices when and as required under the traffic ordinances of the Village to make effective the provisions of said ordinances, and may place and maintain such additional traffic control devices as he/she may deem necessary to regulate traffic under the traffic ordinances of the Village or under State law or to guide or warn traffic.

### **SECTION 315.020: MANUAL AND SPECIFICATIONS FOR TRAFFIC CONTROL DEVICES**

All traffic control signs, signals and devices shall conform to the manual and specifications approved by the State Highways and Transportation Commission or resolution adopted by the Board of Trustees of the Village. All signs or signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the Village. All traffic control devices so erected and not inconsistent with the provisions of this Title shall be official traffic control devices.

### **SECTION 315.030: OBEDIENCE TO TRAFFIC CONTROL DEVICES**

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

### **SECTION 315.040: WHEN OFFICIAL TRAFFIC CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES**

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

**SECTION 315.050: OFFICIAL TRAFFIC CONTROL DEVICES--PRESUMPTION OF LEGALITY**

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

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

**SECTION 315.060: TRAFFIC CONTROL SIGNAL LEGEND--RIGHT TURN ON RED LIGHT, WHEN**

Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one (1) at a time or in combination, only the colors green, red and yellow shall be used except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

1. *Green indication.*

a. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

c. Unless otherwise directed by a pedestrian control signal as provided in Section 315.070, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

2. *Steady yellow indication.*

a. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

b. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in Section 315.070 are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

3. *Steady red indication.*

a. Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown except as provided in Paragraph (b) of this Subsection.

b. The driver of a vehicle which is stopped as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection in obedience to a red signal, may cautiously enter the intersection to make a right turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that the State Highways and Transportation Commission with reference to an intersection involving a State highway, and local authorities with reference to an intersection involving other highways under their jurisdiction, may prohibit any such right turn against a red signal at any intersection where safety conditions so require, said prohibition shall be effective when a sign is erected at such intersection giving notice thereof.

c. Unless otherwise directed by a pedestrian control signal as provided in Section 315.070, pedestrians facing a steady red signal alone shall not enter the roadway.

4. In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

**SECTION 315.070: PEDESTRIAN CONTROL SIGNALS**

Whenever special pedestrian control signals exhibiting the words "*Walk*" or "*Don't Walk*" or appropriate symbols, are in place, such signals shall indicate as follows:

1. "*WALK*": Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

2. "*WAIT*" or "*DON'T WALK*": No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his/her crossing on the walk signal shall proceed to a sidewalk or safety zone while the wait signal is showing.

**SECTION 315.080: FLASHING SIGNALS**

Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

1. Flashing red (stop signal), when a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign;
2. Flashing yellow (caution signal), when a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

This section shall not apply at railroad grade crossings.

**SECTION 315.090: LANE DIRECTION CONTROL SIGNALS**

When lane direction control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

**SECTION 315.100: DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS**

No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

**SECTION 315.110: INTERFERENCE WITH OFFICIAL TRAFFIC CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS**

No person shall without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

**SECTION 315.120: AUTHORITY TO ESTABLISH PLAY STREETS**

The Board of Trustees shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

**SECTION 315.130: PLAY STREETS**

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

**SECTION 315.140: BOARD OF TRUSTEES TO DESIGNATE CROSSWALKS AND ESTABLISH SAFETY ZONES**

The Board of Trustees is hereby authorized;

1. To designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his/her opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he/she may deem necessary;
2. To establish safety zones of such kind and character and at such places as he/she may deem necessary for the protection of pedestrians.

**SECTION 315.150: TRAFFIC LANES**

- A. The Board of Trustees is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.
- B. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

## **CHAPTER 320: SPEED REGULATIONS**

### **SECTION 320.010: STATE SPEED LAWS APPLICABLE**

The State traffic laws regulating the speed of vehicles shall be applicable upon all streets within the Village, except that the Village 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 Village ordinance shall regulate the speed of vehicles upon controlled access highways of the State.

Every person operating a vehicle on the highways, streets, or alleys of this municipality shall exercise the highest degree of care under the conditions then and there existing.

### **SECTION 320.020: REGULATION OF SPEED BY TRAFFIC SIGNALS**

The Board of Trustees is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

### **SECTION 320.030: SPEED LIMITS**

Except where otherwise provided by signs, erected pursuant to duly passed and approved ordinances, no person shall operate a vehicle on any street in the Village in excess of twenty (20) miles per hour.

The maximum speed on the following street(s) shall be as follows: (1) Route W from the Missouri Department of Transportation Log Point 0.54 to Log Point 1.7- 50 miles per hour.

The maximum speed on the streets listed below shall be fifteen (15) miles per hour: (1) Cobblestone, entire length (2) Steeplegate, entire length

The maximum speed on the streets listed below shall be twenty-five(25) miles per hour: (1) Ketterman Lane, entire length.

It shall be unlawful for any person to drive a vehicle at a speed in excess of said speed limits.

Persons charged with violations of said speed limits of this statute shall come under the jurisdiction of the municipal court and traffic violation bureau for the Village of Wardsville.

**SECTION 320.040: SLOW SPEED, REGULATIONS**

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law. Peace Officers may enforce the provisions of this Section by directions to drivers, and in the event of apparent willful disobedience to this provision and refusal to comply with direction of an officer in accordance herewith, the continued slow operation by a driver is a misdemeanor.

**SECTION 320.050: SPECIAL SPEED LIMITS ON ROADWAYS**

The speed limitations duly posed in speed limit zones, or otherwise, shall not apply to authorized emergency vehicles when responding to emergency calls and the drivers thereof have flashing light in operation or audible signal by bell, siren, or exhaust whistle. This provision shall not relieve the driver of an authorized emergency vehicle from the duty of driving with due regard for the safety of all persons using the highways, streets or alleys, nor shall it protect the driver of any such vehicle from the consequences of a reckless disregard of the person, property, life, and limb of others. Legally authorized emergency vehicles operation in and through this municipality shall be only those stipulated and defined under Section 304.022, RSMo.

## CHAPTER 325: TURNING MOVEMENTS

### SECTION 325.010: REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTION

The driver of a vehicle intending to turn at an intersection shall do so as follows:

1. *Right turns.* Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway, except where multiple turn lanes have been established.

2. *Left turns on two-way roadways.* At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

3. *Left turns on other than two-way roadways.* At any intersection where traffic is restricted to one (1) direction on one (1) or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered, except where multiple turn lanes have been established.

4. *Designated two-way left turn lanes.* Where a special lane for making left turns by drivers proceeding in opposite directions have been indicated by official traffic control devices:

- a. A left turn shall not be made from any other lane;
- b. A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law;
- c. A vehicle shall not be driven in the lane for a distance more than five hundred (500) feet.

**SECTION 325.020: AUTHORITY TO PLACE AND OBEDIENCE TO TURNING MARKERS**

A. The Board of Trustees is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

B. When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

**SECTION 325.030: AUTHORITY TO PLACE RESTRICTED TURN SIGNS**

The Board of Trustees is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

**SECTION 325.040: OBEDIENCE TO NO-TURN SIGNS**

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

**SECTION 325.050: LIMITATIONS ON TURNING AROUND**

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

## **CHAPTER 330: ONE-WAY STREETS AND ALLEYS**

### **SECTION 330.010: AUTHORITY TO SIGN ONE-WAY STREETS AND ALLEYS**

Whenever any ordinance of the Village designates any one-way street or alley the Village shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

### **SECTION 330.020: ONE-WAY STREETS AND ALLEYS**

Upon those streets and parts of streets and in those alleys described and designated by ordinance, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

### **SECTION 330.030: AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS**

- A. The Board of Trustees is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one (1) direction during one (1) period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The Board of Trustees may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the centerline of the roadway.
- B. It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this Section.

## **CHAPTER 335: STOP AND YIELD INTERSECTIONS**

### **SECTION 335.010: THROUGH STREETS DESIGNATED**

Those streets and parts of streets described by ordinances of the Village are declared to be through streets for the purposes of Sections 335.010 to 335.080.

### **SECTION 335.020: SIGNS REQUIRED AT THROUGH STREETS**

Whenever any ordinance of the Village designates and describes a through street it shall be the duty of the Board of Trustees to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; provided however, that at the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets as may be determined by the Village Traffic Engineer upon the basis of an engineering and traffic study.

### **SECTION 335.030: OTHER INTERSECTIONS WHERE STOP OR YIELD REQUIRED**

The Board of Trustees is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine whether vehicles shall stop at one (1) or more entrances to any such intersection in which event he/she shall cause to be erected a stop sign at every such place where a stop is required, or whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in Subsection (A) of Section 335.040, in which event he/she shall cause to be erected a yield sign at every place where obedience thereto is required.

### **SECTION 335.040: STOP AND YIELD SIGNS**

A. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

B. Except when directed to proceed by a Police Officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

**SECTION 335.050: VEHICLE ENTERING STOP INTERSECTION**

Except when directed to proceed by a Police Officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by Subsection (B) of Section 335.040, and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

**SECTION 335.060: VEHICLE ENTERING YIELD INTERSECTION**

The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection; provided however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his/her failure to yield right-of-way.

**SECTION 335.070: EMERGING FROM ALLEY, DRIVEWAY OR BUILDING**

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

**SECTION 335.080: STOP WHEN TRAFFIC OBSTRUCTED**

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he/she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

**SECTION 335.090: AVOIDING INTERSECTIONS**

A. It shall be unlawful for the driver of a motor vehicle to utilize a parking lot or corner lot as a connecting route between two (2) intersecting roadways for the purpose of avoiding a traffic control signal.

B. For the purpose of interpreting and enforcing the prohibition contained in this Section, a rebuttable presumption of intent to avoid a traffic control signal shall arise whenever a Police Officer observes a motorist cut through a premises as described above without stopping and exiting his/her vehicle.

## **CHAPTER 340: MISCELLANEOUS DRIVING RULES**

### **SECTION 340.010: FOLLOWING EMERGENCY VEHICLE PROHIBITED**

The driver of any vehicle other than one on official business shall not follow any emergency vehicle traveling in response to an emergency call closer than five hundred (500) feet or drive into or park such vehicle within the block where any emergency vehicle has stopped in answer to an emergency call.

### **SECTION 340.020: CROSSING FIRE HOSE**

No vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street, private driveway or streetcar track, to be used at any fire or alarm of fire, without the consent of the Fire Department Official in command.

### **SECTION 340.030: DRIVING THROUGH FUNERAL OR OTHER PROCESSION**

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this Title. This provision shall not apply at intersections where traffic is controlled by traffic control signals or Police Officers.

### **SECTION 340.040: DRIVING IN PROCESSION**

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

### **SECTION 340.050: FUNERAL PROCESSION TO BE IDENTIFIED**

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 Police Department.

### **SECTION 340.060: WHEN PERMITS REQUIRED FOR PARADES AND PROCESSIONS**

No funeral, procession or parade containing two hundred (200) or more persons or fifty (50) or more vehicles except the forces of the United States Army or Navy, the military forces of this State and the forces of the Police and Fire Departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the Village Clerk and such other regulations as are set forth herein which may apply.

**SECTION 340.070: VEHICLE SHALL NOT BE DRIVEN ON A SIDEWALK**

The driver of a vehicle shall not drive within any sidewalk area except on a permanent or temporary driveway.

**SECTION 340.080: LIMITATIONS ON BACKING**

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

**SECTION 340.090: OPENING AND CLOSING VEHICLE DOORS**

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

**SECTION 340.100: RIDING ON MOTORCYCLES, ADDITIONAL PASSENGER, REQUIREMENTS**

A. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one (1) person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the rear or side of the operator.

B. The operator of a motorized bicycle shall ride only astride the permanent and regular seat attached thereto, and shall not permit more than one (1) person to ride thereon at the same time, unless the motorized bicycle is designed to carry more than one (1) person. Any motorized bicycle designed to carry more than one (1) person must be equipped with a passenger seat and footrests for the use of a passenger.

**SECTION 340.110: RIDING BICYCLE ON SIDEWALKS, LIMITATIONS--MOTORIZED BICYCLES PROHIBITED**

- A. No person shall ride a bicycle upon a sidewalk on property not zoned as residential.
- B. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.
- C. No person shall ride a motorized bicycle upon a sidewalk.

**SECTION 340.120: ALL-TERRAIN VEHICLES, PROHIBITED--EXCEPTIONS, OPERATION UNDER AN EXCEPTION--PROHIBITED USES--PENALTY**

- A. No person shall operate an all-terrain vehicle, as defined in Section 300.020, upon the streets and highways of this Village, except as follows:
  - 1. All-terrain vehicles owned and operated by a governmental entity for official use;
  - 2. All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation;
  - 3. All-terrain vehicles whose operators carry a special permit issued by this Village pursuant to Section 304.013, RSMo.

B. No person shall operate an off-road vehicle, as defined in Section 304.001, RSMo., within any stream or river in this Village, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this State at such road crossings as are customary or part of the highway system. All Law Enforcement Officials or Peace Officers of this State and its political subdivisions shall enforce the provisions of this Subsection within the geographic area of their jurisdiction.

C. A person operating an all-terrain vehicle on a street or highway pursuant to an exception covered in this Section shall have a valid license issued by a State authorizing such person to operate a motor vehicle, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty (30) miles per hour. When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven (7) feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be dayglow in color.

- D. No person shall operate an all-terrain vehicle:
  - 1. In any careless way so as to endanger the person or property of another;

2. While under the influence of alcohol or any controlled substance; or
  3. Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen (18) years of age.
- E. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.
- F. A violation of this Section shall be a class C misdemeanor.

**SECTION 340.130: RIDING BICYCLES, SLEDS, ROLLER SKATES, BY ATTACHING TO ANOTHER VEHICLE, PROHIBITED**

No person riding upon any bicycle, motorized bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself/herself to any vehicle upon a roadway. Neither shall the driver of a vehicle knowingly pull a rider behind a vehicle.

**SECTION 340.140: CONTROLLED ACCESS**

No person shall drive a vehicle onto or from any controlled access roadway except at such entrances and exits as are established by public authority.

**SECTION 340.150**

It shall be unlawful for the directing officer or the operator of any commercial vehicle 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.

**SECTION 340.160: DRIVING THROUGH SAFETY ZONE PROHIBITED**

No vehicle shall at any time be driven through or within a safety zone.

**SECTION 340.170: MANNER OF OPERATION OF MOTOR VEHICLES-- CAREFUL AND PRUDENT**

Every person operating a motor vehicle on the roadways of this Village shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care.

## **SECTION 340.180: DRIVING TO THE RIGHT**

- A. Upon all public roads or highways of sufficient width a vehicle shall be driven upon the right-half of the roadway, except as follows:
1. When overtaking and passing another vehicle proceeding in the same direction pursuant to the rules governing such movement;
  2. When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with the provisions of this Title;
  3. When the right-half of a roadway is closed to traffic while under construction or repair;
  4. Upon a roadway designated by local ordinance as a one-way street and marked or signed for one-way traffic.
- B. It is unlawful to drive any vehicle upon any highway or road which has been divided into two (2) or more roadways by means of a physical barrier or by means of a dividing section or delineated by curbs, lines or other markings on the roadway, except to the right of such barrier or dividing section, or to make any left turn or semi-circular or U-turn on any such divided highway, except in a cross-over or intersection.
- C. All vehicles in motion upon a highway having two (2) or more lanes of traffic proceeding in the same direction shall be driven in the right-hand lane except when overtaking and passing another vehicle or when preparing to make a proper left turn or when otherwise directed by traffic markings, signs or signals.

## **SECTION 340.190: PASSING REGULATIONS**

- A. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations and exceptions hereinafter stated:
1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and
  2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of such driver's vehicle until completely passed by the overtaking vehicle.
- B. The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;
2. Upon a Village street with unobstructed pavement of sufficient width for two (2) or more lines of vehicles in each direction;
3. Upon a one-way street.

The driver of a motor vehicle may overtake and pass another vehicle upon the right only under the foregoing conditions when such movement may be made in safety. In no event shall such movement be made by driving off the paved or main traveled portion of the roadway. The provisions of this Subsection shall not relieve the driver of a slow-moving vehicle from the duty to drive as closely as practicable to the right-hand edge of the roadway.

- C. Except when a roadway has been divided into three (3) traffic lanes, no vehicle shall be driven to the left side of the centerline of a highway or public road in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.
- D. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:
  1. When approaching the crest of a grade or upon a curve of the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.
  2. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct, tunnel or when approaching within one hundred (100) feet of or at any intersection or railroad grade crossing.

#### **SECTION 340.200: HAND AND MECHANICAL SIGNALS**

No person shall stop or suddenly decrease the speed of or turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided herein.

1. An operator or driver when stopping, or when checking the speed of the operator's vehicle, if the movement of other vehicles may reasonably be affected by such checking of speed, shall extend such operator's arm at an angle below horizontal so that the same may be seen in the rear of the vehicle.
2. An operator or driver intending to turn the operator's vehicle to the right shall extend such operator's arm at an angle above horizontal so that the same may be seen in front of and in the rear of the vehicle, and shall slow down and approach the intersecting highway as near as

practicable to the right side of the highway along which such operator is proceeding before turning.

3. An operator or driver intending to turn the operator's vehicle to the left shall extend such operator's arm in a horizontal position so that the same may be seen in the rear of the vehicle, and shall slow down and approach the intersecting highway so that the left side of the vehicle shall be as near as practicable to the centerline of the highway along which the operator is proceeding before turning.

4. The signals herein required shall be given either by means of the hand and arm or by a signal light or signal device in good mechanical condition of a type approved by the State Highway Patrol; however, when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle then such signals shall be given by such light or device.

#### **SECTION 340.210: STOPPING FOR SCHOOL BUS**

A. The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children and whose driver has in the manner prescribed by law given the signal to stop, shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by its driver to proceed.

B. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "*School Bus*" in letters not less than eight (8) inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: "*State Law: Stop While Bus is Loading and Unloading*". Each school bus subject to the provisions of Sections 304.050 to 304.070, RSMo., shall be equipped with a mechanical and electrical signaling device approved by the State Board of Education, which will display a signal plainly visible from the front and rear and indicating intention to stop.

C. The driver of a school bus in the process of loading or unloading students upon a street or highway shall activate the mechanical and electrical signaling devices, in the manner prescribed by the State Board of Education, to communicate to drivers of other vehicles that students are loading or unloading. No driver of a school bus shall take on or discharge passengers at any location upon a highway consisting of four (4) or more lanes of traffic, whether or not divided by a median or barrier, in such manner as to require the passengers to cross more than two (2) lanes of traffic; nor shall he/she take on or discharge passengers while the vehicle is upon the road or highway proper unless the vehicle so stopped is plainly visible for at least three hundred (300) feet in each direction to drivers of other vehicles upon the highway and then only for such time as is actually necessary to take on and discharge passengers.

D. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway, which is proceeding in

the opposite direction on a highway containing four (4) or more lanes of traffic, or which is stopped in a loading zone constituting a part of, or adjacent to, a limited or controlled access highway at a point where pedestrians are not permitted to cross the roadway.

**SECTION 340.220: RIGHT-OF-WAY AT INTERSECTION--SIGNS AT INTERSECTIONS**

A. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway, provided however, there is no form of traffic control at such intersection.

B. When two (2) vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This Subsection shall not apply to vehicles approaching each other from opposite directions when the driver of one (1) of such vehicles is attempting to or is making a left turn.

C. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

D. The driver of a vehicle intending to make a left turn into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction when the making of such left turn would create a traffic hazard.

E. The State Highways and Transportation Commission or local authorities with respect to roads under their respective jurisdictions, on any section where construction or major maintenance operations are being effected, may fix a speed limit in such areas by posting of appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation of Section 340.160.

**SECTION 340.230: PROHIBTING HEAVY VEHICLE TRAFFIC ON FALCON LANE**

A. No tractor-trailer, nor any category of vehicle with a gross vehicle weight in excess of twenty thousand (20,000) pounds, may be operated upon Falcon Lane within the Village limits of Wardsville, Missouri.

B. Exceptions to the prohibition set forth in (A.) hereof are as follows:

1.) Such heavy vehicles as are traveling by necessity in order to permit the operator to make a local delivery to Falcon Lane structures or accomplish some other limited, lawful, occasional or temporary purpose;

2.) The operation of emergency vehicles upon Falcon Lane;

- 3.) The operation of school buses;
  - 4.) The operation of vehicles owned or operated by the Village, public utilities, any contractor or material man which is and while engaged in the repair, maintenance or construction of streets, street improvement, utilities, or sanitation collection for structures on Falcon Lane within the Village;
  - 5.) Such heavy vehicles as are owned by individuals residing upon Falcon Lane, which use shall be limited to ingress and egress of said vehicles to and from resident's home.
- C. In the event such a vehicle causes damage to said Falcon Lane, the owner and/or operator of said vehicle shall be liable for all costs to repair said street.
  - D. The Village of Wardsville is hereby authorized and instructed to install the appropriate signs prohibiting truck traffic on Falcon Lane as set forth above.
  - E. Violation of this Section of the Village Code shall be punishable by a fine of not less than \$20.00 nor more than \$250.00

## **CHAPTER 342: ALCOHOL-RELATED TRAFFIC OFFENSES**

### **SECTION 342.010: DEFINITIONS**

As used in this Chapter, the following terms shall have these prescribed meanings:

*DRIVE, DRIVING, OPERATES OR OPERATING*: Physically driving or operating a motor vehicle.

*INTOXICATED CONDITION*: A person is in an "*intoxicated condition*" when he/she is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

*LAW ENFORCEMENT OFFICER OR ARRESTING OFFICER*: Includes the definition of Law Enforcement Officer in Subdivision (17) of Section 556.061, RSMo.

### **SECTION 342.020: DRIVING WHILE INTOXICATED**

A person commits the offense of "*driving while intoxicated*" if he/she operates a motor vehicle while in an intoxicated or drugged condition. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two (2) years.

### **SECTION 342.030: DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT**

A. A person commits the offense of "*driving with excessive blood alcohol content*" if such person operates a motor vehicle in this Village with eight-hundredths of one percent (.08%) or more by weight of alcohol in such person's blood.

B. As used in this Section, "*percent by weight of alcohol*" in the blood shall be based upon grams of alcohol per one hundred (100) milliliters of blood or two hundred ten (210) liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this Section, the test shall be conducted in accordance with the provisions of Sections 577.020 to 577.041, RSMo.

### **SECTION 342.040: CHEMICAL TEST FOR ALCOHOL CONTENT--CONSENT IMPLIED--ADMINISTERED, WHEN, HOW**

A. Any person who operates a motor vehicle upon the public roadways of this Village shall be deemed to have given consent to, subject to the provisions of Sections 577.020 to 577.041, RSMo., a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood if arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated or drugged condition. The test shall be administered at the direction of the arresting Law Enforcement Officer whenever the person has been arrested for the offense.

B. The implied consent to submit to the chemical tests listed in Subsection (1) of this Section shall be limited to not more than two (2) such tests arising from the same arrest, incident or charge.

C. Chemical analysis of the person's breath, blood, saliva, or urine to be considered valid pursuant to the provisions of Sections 577.020 to 577.041, RSMo., shall be performed according to methods approved by the State Department of Health by licensed medical personnel or by a person possessing a valid permit issued by the State Department of Health for this purpose.

D. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a Law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a Law Enforcement Officer.

E. Upon the request of the person who is tested, full information concerning the test shall be made available to him/her.

**SECTION 342.050: CONSUMPTION OF ALCOHOLIC BEVERAGES IN MOVING MOTOR VEHICLE, PROHIBITED WHEN**

A. No person shall consume any alcoholic beverage while operating a moving motor vehicle upon the highways, as defined in Section 301.010, RSMo.

B. Any person found guilty of violating the provisions of this Section is guilty of an infraction.

C. Any infraction under this Section shall not reflect on any records with the Department of Revenue.

## **CHAPTER 345: PEDESTRIANS' RIGHTS AND DUTIES**

### **SECTION 345.010: PEDESTRIANS SUBJECT TO TRAFFIC CONTROL DEVICES**

Pedestrians shall be subject to traffic control signals as heretofore declared in Sections 315.060 and 315.070 of this Title, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this Chapter.

### **SECTION 345.020: PEDESTRIANS' RIGHT-OF-WAY IN CROSSWALKS**

A. When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

B. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

C. Subsection (A) shall not apply under the conditions stated in Subsection (B) of Section 345.050.

D. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

### **SECTION 345.030: PEDESTRIANS TO USE RIGHT-HALF OF CROSSWALKS**

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

### **SECTION 345.040: CROSSING AT RIGHT ANGLES**

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.

### **SECTION 345.050: WHEN PEDESTRIAN SHALL YIELD**

- A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
- C. The foregoing rules in this Section have no application under the conditions stated in Section 345.060 when pedestrians are prohibited from crossing at certain designated places.

**SECTION 345.060: PROHIBITED CROSSING**

- A. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a crosswalk.
- B. No pedestrian shall cross a roadway other than in a crosswalk in any business district.
- C. Pedestrians shall make use of crosswalks where available. Avoiding a crosswalk that is within 100 yards of the point where a person crosses a roadway shall be prohibited.
- D. No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

**SECTION 345.070: OBEDIENCE OF PEDESTRIANS TO BRIDGE AND RAILROAD SIGNALS**

- A. 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.
- B. 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.

**SECTION 345.080: PEDESTRIANS WALKING ALONG ROADWAYS**

- A. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

B. Where sidewalks are not provided any pedestrian walking along and upon a highway shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

**SECTION 345.090: DRIVERS TO EXERCISE HIGHEST DEGREE OF CARE**

Notwithstanding the foregoing provisions of this Title, every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway. It shall be unlawful for the operator of a motor vehicle to fail to stop at a crosswalk when pedestrians are occupying said crosswalk.

## **CHAPTER 350: METHOD OF PARKING**

### **SECTION 350.010: STANDING OR PARKING CLOSE TO CURB**

Except as otherwise provided in this Chapter, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen (18) inches of the right-hand curb.

### **SECTION 350.020: SIGNS OR MARKINGS INDICATING ANGLE PARKING**

A. The Board of Trustees 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 Village unless the State Highways and Transportation Commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

B. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

### **SECTION 350.030: OBEDIENCE TO ANGLE PARKING SIGNS OR MARKERS**

On those streets which have been signed or marked by the Village Traffic Engineer for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

### **SECTION 350.040: PERMITS FOR LOADING OR UNLOADING AT AN ANGLE TO THE CURB**

A. The Village Clerk is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein.

B. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

**SECTION 350.050: LAMPS ON PARKED VEHICLES**

A. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half ( $\frac{1}{2}$ ) hour after sunset and a half ( $\frac{1}{2}$ ) hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such street or highway no lights need be displayed upon such parked vehicle.

B. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half ( $\frac{1}{2}$ ) hour after sunset and a half ( $\frac{1}{2}$ ) hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such highway, such vehicle so parked or stopped shall be equipped with one (1) or more lamps meeting the following requirements: At least one (1) lamp shall display a white or amber light visible from a distance of five hundred (500) feet to the front of the vehicle, and the same lamp or at least one (1) other lamp shall display a red light visible from a distance of five hundred (500) feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one (1) lamp or combination of lamps meeting the requirements of this Section is installed as near as practicable to the side of the vehicle which is closer to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

C. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

**CHAPTER 355: STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES**

**SECTION 355.010: STOPPING, STANDING OR PARKING PROHIBITED**

A. Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a Police Officer or official traffic control device, no person shall:

1. Stop, stand or park a vehicle:

a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

b. On a sidewalk;

c. Within an intersection;

d. On a crosswalk;

e. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;

f. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

h. At any place where official signs prohibit stopping.

2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

a. In front of a public or private driveway;

b. Within fifteen (15) feet of a fire hydrant;

c. Within twenty (20) feet of a crosswalk at an intersection;

d. Within thirty (30) feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway;

e. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly signposted);

f. At any place where official signs prohibit standing.

3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers at any place where official signs prohibit parking.

a. Within fifty (50) feet of the nearest rail of a railroad crossing;

b. At any place where official signs prohibit parking.

B. No person shall move a vehicle not lawfully under his/her control into any such prohibited area or away from a curb such a distance as is unlawful.

#### **SECTION 355.020: PARKING NOT TO OBSTRUCT TRAFFIC**

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.

#### **SECTION 355.030: PARKING IN ALLEYS**

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

#### **SECTION 355.040: PARKING FOR CERTAIN PURPOSES PROHIBITED**

No person shall park a vehicle upon any roadway for the principal purpose of:

1. Displaying such vehicle for sale; or
2. Repair such vehicle except repairs necessitated by an emergency.

#### **SECTION 355.050: PARKING ADJACENT TO SCHOOLS**

A. The Board of Trustees is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his/her opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

**SECTION 355.060: PARKING PROHIBITED ON NARROW STREETS**

A. The Board of Trustees is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one (1) side of a street as indicated by such signs when the width of the roadway does not exceed thirty (30) feet.

B. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

**SECTION 355.070: STANDING OR PARKING ON ONE-WAY STREETS**

The Board of Trustees is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.

**SECTION 355.080: STANDING OR PARKING ON ONE-WAY ROADWAYS**

In the event a highway includes two (2) or more separate roadways and traffic is restricted to one (1) direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The Village Traffic Engineer is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

**SECTION 355.090: NO STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES**

A. The Board of Trustees is hereby authorized to determine and designate by proper signs places not exceeding one hundred (100) feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

B. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand, or park a vehicle in any such designated place.

### **SECTION 355.100: PHYSICALLY DISABLED PARKING**

A. It shall be unlawful for any person to park or stand any vehicle in any stall or space designated or reserved for physically disabled persons, as defined in Section 301.142, RSMo., as amended, whether upon public or private property open to public use, unless the vehicle bears the State of Missouri license plate or placard for the disabled as provided for in Sections 301.071 or 301.142, RSMo., as amended. The space shall be indicated by a sign upon which shall be inscribed the international symbol of accessibility and shall also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. Designated physically disabled parking spaces shall be located as close as possible to the nearest accessible entrance. Such designation shall be made by posting immediately adjacent to, and visible from, each space, a sign upon which is inscribed the international symbol of accessibility and may also include any appropriate wording to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card.

B. The Village Police may cause the removal of any vehicle not displaying a distinguishing license plate or card on which is inscribed the international symbol of accessibility and the word "disabled" issued pursuant to Section 301.142, RSMo., or a "disabled veteran" license plate issued pursuant to Section 301.071, RSMo., or a distinguishing license plate or card issued by any other State from a space properly designated for physically disabled persons. Any vehicle which has been removed and which is not properly claimed within thirty (30) days thereafter shall be considered to be an abandoned vehicle.

C. Spaces designated for use by vehicles displaying the distinguishing "disabled" license plate issued pursuant to State law shall meet the requirements of the Federal Americans With Disabilities Act, as amended, and any rules or regulations established pursuant thereto.

D. Law Enforcement Officials may enter upon private property open to public use to enforce the provisions of this Section, including private property designated by the owner of such property for the exclusive use of vehicles which display a distinguishing license plate or card issued pursuant to the provisions contained herein.

E. It shall be unlawful for any unauthorized person to use or display a distinguishing license plate or card for the purpose of parking within a space reserved under the authority of this Section.

F. Non-conforming signs or spaces otherwise required pursuant to this Section which have been in use prior to August 28, 1997, shall not be in violation of this Section during the

useful life of such signs or spaces; provided however, that the useful life of the non-conforming signs or spaces shall not be extended by repainting or repair.

G. Any person convicted of violating this Section is guilty of an infraction and shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00). Every day upon which such violation occurs shall constitute a separate offense.

## **CHAPTER 360: STOPPING FOR LOADING OR UNLOADING ONLY**

### **SECTION 360.010: BOARD OF TRUSTEES TO DESIGNATE CURB LOADING ZONES**

The Board of Trustees is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this Section are applicable.

### **SECTION 360.020: PERMITS FOR CURB LOADING ZONES**

The Board of Trustees shall not designate or sign any curb loading zone upon special request of any person unless such person makes application for a permit for such zone and for two (2) signs to indicate the ends of each such zone. The Board of Trustees upon granting a permit and issuing such signs shall collect from the applicant and deposit in the Village Treasury a service fee of ten dollars (\$10.00) per year or fraction thereof and may by general regulations impose conditions upon the use of such signs and for reimbursement of the Village for the value thereof in the event of their loss or damage and their return in the event of misuse or upon expiration of permit. Every such permit shall expire at the end of one (1) year.

### **SECTION 360.030: STANDING IN PASSENGER CURB LOADING ZONE**

No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes.

### **SECTION 360.040: STANDING IN FREIGHT CURB LOADING ZONES**

No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a freight curb-loading zone during hours when the provisions applicable to such zones are in effect.

### **SECTION 360.050: BOARD OF TRUSTEES TO DESIGNATE PUBLIC CARRIER STOPS AND STANDS**

The Board of Trustees is hereby authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets in such places and in such number as he/she shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs.

**SECTION 360.060: STOPPING, STANDING AND PARKING OF BUSES AND TAXICABS REGULATED**

A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

B. The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.

C. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle, not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

D. The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

**SECTION 360.070: RESTRICTED USE OF BUS AND TAXICAB STANDS**

No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

**CHAPTER 365: STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS**

**SECTION 365.010: APPLICATION OF CHAPTER**

The provisions of this Title prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a Police Officer or official traffic control device.

**SECTION 365.020: REGULATIONS NOT EXCLUSIVE**

The provisions of this Title imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

**SECTION 365.030: PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS**

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described by ordinance.

**SECTION 365.040: PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS**

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified by ordinance of any day except Sunday and public holidays within the districts or upon any of the streets described by ordinance.

**SECTION 365.050: STOPPING, STANDING OR PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS**

When signs are erected in each block giving notice thereof, no person shall stop, stand, or park a vehicle between the hours specified by ordinance of any day except Sundays and public holidays within the district or upon any of the streets described by ordinance.

**SECTION 365.060: PARKING SIGNS REQUIRED**

Whenever by this Title or any ordinance of the Village any parking time limit is imposed or parking is prohibited on designated streets it shall be the duty of the Board of Trustees to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

**SECTION 365.070: COMMERCIAL VEHICLES PROHIBITED FROM USING CERTAIN STREETS**

In cases where an equally direct and convenient alternate route is provided, an ordinance may describe and signs may be erected giving notice thereof, that no persons shall operate any commercial vehicle upon streets or parts of streets so described except those commercial vehicles making deliveries thereon.

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**CHAPTER 370: TRAFFIC VIOLATIONS**

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**SECTION 370.010: WHEN PERSON CHARGED MAY ELECT TO APPEAR AT COURT**

A. Any person charged with an offense for which payment of a fine may be made shall have the option of paying such fine within the time specified in the notice of arrest upon entering a plea of guilty and upon waiving appearance in court; or may have the option of entering a plea of not guilty shall be entitled to a trial as authorized by law.

B. The payment of a fine to the Court shall be deemed an acknowledgement of conviction of the alleged offense, and the Court, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof.

**SECTION 370.020: DUTIES OF TRAFFIC COURT**

The following duties are hereby imposed upon the Traffic Court in reference to traffic offenses:

1. It shall accept designated fines, issue receipts, and acknowledging such violators as are permitted and desire to plead guilty, waive court appearance, and give power of attorney;
2. It shall receive and issue receipts for cash bail from the persons who must or wish to be heard in court, enter the time of their appearance on the court docket, and notify the arresting officer and witnesses, if any, to be present.

**SECTION 370.030: TRAFFIC COURT TO KEEP RECORDS**

The Traffic Court shall keep records of all notices issued and arrests made for violations of the traffic laws and ordinances in the Village and of all the fines collected by the court, and of the final disposition or present status of every case of violation of the provisions of said laws and ordinances. Such records shall be so maintained as to show all types of violations and the totals of each. Said records shall be public records.

**SECTION 370.040: ADDITIONAL DUTIES OF TRAFFIC COURT**

The Traffic Court shall follow such procedure as may be prescribed by the traffic ordinances of the Village or as may be required by any laws of this State.

## **CHAPTER 375: PROCEDURE ON ARREST**

### **SECTION 375.010: FORMS AND RECORDS OF TRAFFIC CITATIONS AND ARRESTS**

A. The Village 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.

B. Such books shall be issued to the Police Department charged with enforcing the Village Code or his/her duly authorized agent, a record shall be maintained of every book so issued and a written receipt shall be required for every book. The judge or judges hearing Village ordinance violation cases may require that a copy of such record and receipts be filed with the court.

### **SECTION 375.020: PROCEDURE OF POLICE OFFICERS**

Except when authorized or directed under State law to immediately take a person before the Municipal Judge for the violation of any traffic laws, a Police Officer who halts a person for such violation other than for the purpose of giving him/her a warning or warning notice and does not take such person into custody under arrest, shall issue to him/her a uniform traffic ticket which shall be proceeded upon in accordance with Supreme Court Rule Number 37.

### **SECTION 375.030: UNIFORM TRAFFIC TICKET TO BE ISSUED WHEN VEHICLE ILLEGALLY PARKED OR STOPPED**

Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of the Village 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 (7) days during the hours and at a place specified in the traffic ticket.

### **SECTION 375.050: POLICE MAY REMOVE VEHICLE—WHEN**

A. Duly appointed law enforcement officers are authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage

designated or maintained by the police department, or otherwise maintained by the Village under the circumstances hereinafter enumerated:

- (1.) When any vehicle is left unattended upon any roadway, bridge, viaduct, or causeway, where such vehicle constitutes an obstruction to traffic;
  - (2.) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide its custody or removal;
  - (3.) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
- B. Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefore and of the place to which such vehicle has been removed. In the event any such vehicle is stored in public garage, a copy of such notice shall be given to the proprietor of such garage.
- C. Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in the event the officer shall immediately send or cause to be sent a written report of such removal by mail to the state department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle, date, time, and place from which removed, the reason for such removal, and the name of the garage or place where the vehicle is stored.

**SECTION 375.060: ACCEPT LICENSE IN LIEU OF BAIL**

- A. Any law enforcement officer of the Village of Wardsville is hereby authorized, in their discretion, to accept the chauffeur's or operator's license, issued by the State of Missouri, of any person arrested and charged with violation of an ordinance of the Village of Wardsville in lieu of any other security for his or her appearance in court to answer any such charge.

B. The aforementioned license shall not be deposited in the following instances:

(1.) Driving while intoxicated

(2.) Driving under the influence of intoxicating liquor or drugs

(3.) Leaving the scene of an accident

(4.) Driving while license is suspended or revoked

(5.) Any charge made because of a motor vehicle accident in which a death has occurred

C. The deposit of the license in lieu of other security shall be under, and subject to, the provisions of Section 544.045 RSMo.

### **SECTION 375.070: SEAT BELTS**

A. Definitions- As used in this ordinance, the term 'passenger car' means every motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons; except that the term 'passenger car' shall not include motorcycles, motorized bicycles, motor tricycles and trucks.

B. Each driver, except persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles, and front-seat passenger of a 'passenger car' manufactured after January 1, 1968, operated on a street or highway within this village shall wear a properly-adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements; except that a child less than four (4) years of age shall be protected according to the standards set forth in Section 210.104, RSMo. Each driver of a motor vehicle transporting a child four (4) years of age or more, but less than sixteen (16) year of age in the front seat of the motor vehicle, shall secure the child in a properly-adjusted and fastened safety belt. No person shall be stopped, inspected or detained solely to determine compliance with this ordinance. The provisions of this

ordinance shall not be applicable to persons who have a medical reason for failing to have a safety belt fastened about his or her body.

- C. Each person who violates the provisions of Paragraph 2 of Section 375.070 shall be guilty of a misdemeanor for which a fine not to exceed ten and No/100 (\$10,000) Dollars may be imposed. No court costs shall be imposed on any person pursuant to Section 302.302, RSMo, for a violation of this ordinance.

## **ARTICLE V. LIGHT REGULATIONS**

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### **SECTION 380.010: WHEN LIGHTS REQUIRED**

A. *"When lighted lamps are required"* means at any time from a half (½) hour after sunset to a half (½) hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred (500) feet ahead.

B. No person shall drive, move, park or be in custody of any vehicle or combination of vehicles on any street or highway during the times when lighted lamps are required unless such vehicle or combination of vehicles displays lighted lamps and illuminating devices as hereinafter in this Article required. No person shall use on any vehicle any approved electric lamp or similar device unless the light source of such lamp or device complies with the conditions of approval as to focus and rated candlepower.

### **SECTION 380.020: HEADLAMP ON MOTOR VEHICLES**

Except as in this Article provided, every motor vehicle other than a motor-drawn vehicle and other than a motorcycle shall be equipped with at least two (2) approved headlamps mounted at the same level with at least one (1) on each side of the front of the vehicle. Every motorcycle shall be equipped with at least one (1) and not more than two (2) approved headlamps. Every motorcycle equipped with a sidecar or other attachment shall be equipped with a lamp on the outside limit of such attachment capable of displaying a white light to the front.

### **SECTION 380.030: MULTIPLE-BEAM HEADLAMPS--ARRANGEMENT**

Except as hereinafter provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty (350) feet ahead for all conditions of loading.
2. There shall be a lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet

ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

**SECTION 380.040: DIMMING OF LIGHTS, WHEN**

Every person driving a motor vehicle equipped with multiple-beam road lighting equipment, during the times when lighted lamps are required, shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations: Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet, or is within three hundred (300) feet to the rear of another vehicle traveling in the same direction, the driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the other driver, and in no case shall the high-intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five (25) feet ahead, and in no case higher than a level of forty-two (42) inches above the level upon which the vehicle stands at a distance of seventy-five (75) feet ahead.

**SECTION 380.050: TAILLAMPS, REFLECTORS**

A. Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two (2) rear lamps, not less than fifteen (15) inches or more than seventy-two (72) inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear. Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of fifty (50) feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off only by the same control switch at all times.

B. Every motorcycle registered in this State, when operated on a highway, shall also carry at the rear, either as part of the rear lamp or separately, at least one (1) approved red reflector, which shall be of such size and characteristics and so maintained as to be visible during the times when lighted lamps are required from all distances within three hundred (300) feet to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps.

C. Every new passenger car, new commercial motor vehicle, motor-drawn vehicle and omnibus with a capacity of more than six (6) passengers registered in this State after January 1, 1966, when operated on a highway, shall also carry at the rear at least two (2) approved red reflectors, at least one (1) at each side, so designed, mounted on the vehicle and maintained as to be visible during the times when lighted lamps are required from all distances within five hundred (500) to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. Every such reflector shall meet

the requirements of this Article and shall be mounted upon the vehicle at a height not to exceed sixty (60) inches nor less than fifteen (15) inches above the surface upon which the vehicle stands.

D. Any person who knowingly operates a motor vehicle without the lamps required in this Section in operable condition is guilty of an infraction.

**SECTION 380.060: AUXILIARY LAMPS--NUMBER--LOCATION**

Any motor vehicle may be equipped with not to exceed three (3) auxiliary lamps mounted on the front at a height not less than twelve (12) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands.

**SECTION 380.070: COWL, FENDER, RUNNING BOARD AND BACKUP LAMPS**

Any motor vehicle may be equipped with not more than two (2) side cowl or fender lamps which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with not more than one (1) running board courtesy lamp on each side thereof which shall emit a white or yellow light without glare. Any motor vehicle may be equipped with a backup lamp either separately or in combination with another lamp; except that no such backup lamp shall be continuously lighted when the motor vehicle is in forward motion.

**SECTION 380.080: SPOTLAMPS**

Any motor vehicle may be equipped with not to exceed one (1) spot lamp but every lighted spot lamp shall be so aimed and used so as not to be dazzling or glaring to any person.

**SECTION 380.090: COLORS OF VARIOUS LAMPS--RESTRICTION OF RED LIGHTS**

Headlamps, when lighted, shall exhibit lights substantially white in color; auxiliary lamps, cowl lamps and spot lamps, when lighted, shall exhibit lights substantially white, yellow or amber in color. No person shall drive or move any vehicle or equipment, except a school bus when used for school purposes or an emergency vehicle upon any street or highway with any lamp or device thereon displaying a red light visible from directly in front thereof.

**SECTION 380.100: LIMITATIONS ON LAMPS OTHER THAN HEADLAMPS--FLASHING SIGNALS PROHIBITED EXCEPT ON SPECIFIED VEHICLES**

Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spot lamps, front direction signals or auxiliary lamps which projects a beam of light of an intensity greater

than three hundred (300) candlepower shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle. Alternately flashing warning signals may be used on school buses when used for school purposes and on motor vehicles when used to transport United States mail from post offices to boxes of addressees thereof and on emergency vehicles as defined in Section 300.020, but are prohibited on other motor vehicles, motorcycles and motor-drawn vehicles except as a means for indicating a right or left turn.

**SECTION 380.110: LIMITATION ON TOTAL OF LAMPS LIGHTED AT ONE TIME**

At the times when lighted lamps are required, at least two (2) lighted lamps shall be displayed, one (1) on each side of the front of every motor vehicle except a motorcycle and except a motor-drawn vehicle except when such vehicle is parked subject to the provisions governing lights on parked vehicles. Whenever a motor vehicle equipped with headlamps as in this Article required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of an intensity greater than three hundred (300) candlepower, not more than a total of four (4) of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

**SECTION 380.120: OTHER VEHICLES--HOW LIGHTED**

All vehicles, including agricultural machinery or implements, road machinery, road rollers, traction engines and farm tractors not in this Article specifically required to be equipped with lamps, shall be equipped during the times when lighted lamps are required with at least one (1) lighted lamp or lantern exhibiting a white light visible from a distance of five hundred (500) feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of five hundred (500) feet to the rear, and such lamps and lanterns shall exhibit lights to the sides of such vehicle.

**SECTION 380.130: ANIMAL-DRIVEN VEHICLES, LIGHTING REQUIREMENTS--PENALTY**

Any person who shall place or drive or cause to be placed or driven, upon or along any State highway of this Village any animal-driven vehicle whatsoever, whether in motion or at rest, shall after sunset to one-half (½) hour before sunrise have attached to every such vehicle at the rear thereof a red taillight or a red reflecting device of not less than three (3) inches in diameter of effective area or its equivalent in area. When such device shall consist of reflecting buttons there shall be no less than seven (7) of such buttons covering an area equal to a circle with a three (3) inch diameter. The total subtended effective angle of reflection of every such device shall be no less than sixty degrees (60°) and the spread and efficiency of the reflected light shall be sufficient for the reflected light to be visible to the driver of any motor vehicle approaching such animal-drawn vehicle from the rear of a distance of not less than five hundred (500) feet. In addition, any person who operates any such animal-driven vehicle during the hours between

sunset and one-half (½) hour before sunrise shall have at least one (1) light flashing at all times the vehicle is on any highway of this Village. Such light or lights shall be amber in the front and red in the back and shall be placed on the left side of the vehicle at a height of no more than six (6) feet from the ground and shall be visible from the front and the back of the vehicle at a distance of at least five hundred (500) feet. Any person violating the provisions of this Section shall be guilty of a misdemeanor.

## **CHAPTER 385: BICYCLES AND MOTORIZED BICYCLES**

### **SECTION 385.010: BICYCLE AND MOTORIZED BICYCLE, DEFINED**

As used in this Chapter, the following terms shall mean:

*BICYCLE*: Every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, except scooters and similar devices.

*MOTORIZED BICYCLE*: Any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy.

### **SECTION 385.020: BRAKES REQUIRED**

Every bicycle and motorized bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle or motorized bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.

### **SECTION 385.030: LIGHTS AND REFLECTORS, WHEN REQUIRED--STANDARDS TO BE MET**

Every bicycle and motorized bicycle when in use on a street or highway during the period from one-half (½) hour after sunset to one-half (½) hour before sunrise shall be equipped with the following:

1. A front-facing lamp on the front or carried by the rider which shall emit a white light visible at night under normal atmospheric conditions on a straight, level, unlighted roadway at five hundred (500) feet;
2. A rear-facing red reflector, at least two (2) square inches in reflective surface area, or a rear-facing red lamp on the rear which shall be visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred (600) feet;
3. Reflective material and/or lights on any part of the bicyclist's pedals, crank arms, shoes or lower leg visible from the front and the rear at night under normal atmospheric conditions on

a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at two hundred (200) feet; and

4. Reflective material and/or lights visible on each side of the bicycle or bicyclist and visible at night under normal atmospheric conditions on a straight, level, unlighted roadway when viewed by a vehicle driver under the lawful lower beams of vehicle headlights at three hundred (300) feet. The provisions of this Subdivision shall not apply to motorized bicycles which comply with National Highway Traffic and Safety Administration regulations relating to reflectors on motorized bicycles.

**SECTION 385.040: RIGHTS AND DUTIES OF BICYCLE AND MOTORIZED BICYCLE RIDERS**

Every person riding a bicycle or motorized bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle as provided by Chapter 304, RSMo., except as to special regulations in this Chapter, and except as to those provisions of Chapter 304, RSMo., which by their nature can have no application.

**SECTION 385.050: RIDING TO RIGHT, REQUIRED FOR BICYCLES AND MOTORIZED BICYCLES, MANDATORY USE OF BICYCLE PATH BY BICYCLES**

Every person operating a bicycle or motorized bicycle at less than the posted speed or slower than the flow of traffic upon a street or highway shall ride as near to the right side of the roadway as safe, exercising due care when passing a standing vehicle or one (1) proceeding in the same direction, except when making a left turn, when avoiding hazardous conditions, when the lane is too narrow to share with another vehicle, or when on a one-way street. Bicyclists may ride abreast when not impeding other vehicles.

**SECTION 385.060: PENALTY FOR VIOLATION**

Any person seventeen (17) years of age or older who violates any provision of this Chapter is guilty of an infraction and, upon conviction thereof, shall be punished by a fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00). If any person under seventeen (17) years of age violates any provision of this Chapter, in the presence of a Peace Officer possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or municipalities of the State, said officer may impound the bicycle or motorized bicycle involved for a period not to exceed five (5) days upon issuance of a receipt to the child riding it or to its owner.

**SECTION 385.070: MOTORIZED BICYCLES--LICENSE REQUIRED**

- A. No person shall operate a motorized bicycle on any highways, streets or roads in this Village unless the person has a valid license to operate a motor vehicle.
- B. No motorized bicycle may be operated on any public thoroughfare located within this Village which has been designated as part of the Federal interstate highway system.

**SECTION 385.080: EQUIPMENT REQUIRED**

No person shall operate a motorized bicycle on any highways, streets or roads in this Village unless it is equipped in accordance with the minimum requirements for construction and equipment of MOPEDS, Regulation VESC-17, approved July, 1977, as promulgated by the Vehicle Equipment Safety Commission.

## **ARTICLE VI. DRIVER'S LICENSES**

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### **SECTION 390.010: DRIVING WHILE LICENSE OR DRIVING PRIVILEGE IS CANCELED, SUSPENDED OR REVOKED**

A person commits the crime of driving while revoked if he operates a motor vehicle on a highway when his license or driving privilege has been canceled, suspended or revoked under the laws of this State or any other State and acts with criminal negligence with respect to knowledge of the fact that his driving privilege has been canceled, suspended or revoked.

### **SECTION 390.020: OPERATION OF MOTOR VEHICLE WITHOUT PROPER LICENSE PROHIBITED--MOTORCYCLES--SPECIAL LICENSE**

Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by Section 390.040, to:

1. Operate any vehicle upon any highway in this Village unless the person has a valid license;
2. Operate a motorcycle or motor tricycle upon any highway of this Village unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motor tricycle as prescribed by the Director. The Director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motor tricycle if the actual demonstration, required by Section 302.173, RSMo., is conducted on such vehicle;
3. Authorize or knowingly permit a motorcycle or motor tricycle owned by such person or under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motor tricycle or has been issued an instruction permit therefore;
4. Operate a motor vehicle with an instruction permit or license issued to another person.
5. Except when operating under an instruction permit as described in this Section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in Sections 302.700 to 302.780, RSMo. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. A commercial driver's instruction permit shall be valid for the vehicle being operated for a period of not more than six (6) months,

and shall not be issued until the permit holder has met all other requirements of Sections 302.700 to 302.780, RSMo., except for the driving test.

### **SECTION 390.030: PROHIBITED USES OF LICENSE**

It shall be unlawful for any person to:

1. Display or to permit to be displayed, or to have in his/her possession, any license knowing the same to be fictitious or to have been canceled, suspended, revoked, disqualified or altered;
2. Lend to or knowingly permit the use of by another any license issued to the person so lending or permitting the use thereof;
3. Display or to represent as one's own any license not issued to the person so displaying the same;
4. Fail or refuse to surrender to the Clerk of any Division of the Circuit Court or the Director, any license which has been suspended, canceled, disqualified or revoked, as provided by law;
5. Use a false or fictitious name or give a false or fictitious address on any application for a license, or any renewal or duplicate thereof, or knowingly to make a false statement;
6. Knowingly conceal a material fact, or otherwise commit a fraud in any such application;
7. Authorize or consent to any motor vehicle owned by him/her or under his/her control to be driven by any person, when he/she has knowledge that such person has no legal right to do so, or for any person to drive any motor vehicle in violation of any of the provisions of Sections 302.010 to 302.780, RSMo.;
8. Employ a person to operate a motor vehicle in the transportation of persons or property, with knowledge that such person has not complied with the provisions of Sections 302.010 to 302.780, RSMo., or whose license has been revoked, suspended, canceled or disqualified; or who fails to produce his/her license upon demand of any person or persons authorized to make such demand;
9. Operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license;
10. Fail to carry his/her instruction permit, operator's or chauffeur's license while operating a vehicle and to display instruction permit or said license upon demand of any Police Officer, court official or any other duly authorized person for inspection, when demand is made

therefore. Failure to exhibit his/her instruction permit or license as aforesaid shall be presumptive evidence that said person is not a duly licensed operator or chauffeur.

**SECTION 390.040: EXEMPTIONS FROM LICENSE LAW**

The following persons are exempt from license hereunder:

1. Any person while operating any farm tractor or implement of husbandry temporarily operated or moved on a highway;
  2. A non-resident who is at least sixteen (16) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or country;
  3. A non-resident who is at least eighteen (18) years of age and who has in his/her immediate possession a valid license issued to him/her in his/her home State or country which allows such person to operate a motor vehicle in the transportation of persons or property as classified in Section 302.015, RSMo.;
  4. Convicted offenders of the Department of Corrections who have not been convicted of a motor vehicle felony as follows--driving while intoxicated, failing to stop after an accident and disclosing his/her identity, or driving a motor vehicle without the owner's consent--may operate State-owned trucks for the benefit of the correctional facilities, provided that such offender shall be accompanied by a Correctional Officer or other staff person in such truck.
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## **ARTICLE VII. GENERAL PROVISIONS**

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### **SECTION 400.010: TITLE**

This Chapter shall be known and cited as the "Zoning Code of the Village of Wardsville, Missouri," hereinafter referred to as "this Chapter."

### **SECTION 400.020: COMPREHENSIVE ZONING PLAN**

A comprehensive Zoning Code, including the Zoning District Map which is incorporated by reference as if fully set forth in this Chapter, is hereby adopted. A copy of the Zoning District Map shall be retained on file in the administrative offices of the Village and shall be available for public inspection.

### **SECTION 400.030: PURPOSE**

A. This Chapter is enacted to promote the health, safety and general welfare of the citizens of the Village and to avoid street congestion, achieve appropriate population distribution, provide necessary spaces for light, air and recreation, protect the natural environment and existing property values, and secure the proper future development of the Village in accordance with the long-range goals of the Village by regulating the use, bulk and density of land and structures and providing standards and procedures.

B. This Chapter is not intended to abrogate, annul or void any easement, covenant, indenture or other private agreement or legal relationship. This Chapter and amendments shall be separate from any such private agreement or relationship.

### **SECTION 400.040: INTERPRETATION**

A. In interpreting and applying this Chapter, the provisions contained herein are minimum requirements for the purposes set forth. Whenever the requirements of this Chapter are at variance with the requirements of any easement, covenant, agreement or other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards shall govern.

B. When not inconsistent with the context, words used in the present tense include the future; words used in the singular include the plural, and words used in the plural include the singular; the words "*shall*", "*will*", or "*must*" are mandatory, not merely directory.

**SECTION 400.050: EFFECT ON PREVIOUS ORDINANCES**

Ordinances relating to the zoning of land existing on January 4, 1984, are superseded and amended as herein set forth; provided however, that this Chapter shall be construed as a continuation of previous ordinances and not a new enactment insofar as the substance of revisions of previous ordinances is included herein. Furthermore, this Chapter shall be so interpreted with regard to tenure of officers and boards established by previous ordinances.

**SECTION 400.060: VALIDITY AND SEVERABILITY**

A. If any court of competent jurisdiction shall declare any Article, Section, Subsection, sentence, clause, phrase or portion of this Chapter to be invalid or unconstitutional, or unlawful for any reason, such portion shall be deemed and is hereby declared to be a separate, distinct and independent provision of this Chapter and such ruling shall not affect the validity of any other provisions of this Chapter not specifically included in said ruling.

B. If any court of competent jurisdiction shall declare any Article, Section, Subsection, sentence, clause, phrase or portion of this Chapter to be invalid or unconstitutional, or unlawful for any reason as applied to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of such portion to any other land, parcel, lot, district, use, building or structure not specifically included in said ruling.

## **CHAPTER 405: SUBDIVISION REGULATIONS**

### **SECTION 405.010: PURPOSES**

The owners of any land or lots as defined in this Chapter who may desire to develop or subdivide the same for residential purposes, shall before undertaking such development or subdivision, comply fully with all of the following provisions.

### **SECTION 405.020: DEFINITIONS**

For the purpose of this Chapter, certain terms and words are defined as follows:

*ALLEY*: Minor ways which are used primarily for vehicular service access to the back or side of properties abutting street.

*BUILDING LINE*: A line on a plat between which line and street or private way no building or structures may be erected. Said building line designates the set back required prior to construction.

*BUILDING OFFICIAL*: Such person or persons as may be directed by the Board of Trustees to inspect property on behalf of the Village.

*EASEMENT*: A grant by the property owner to the public, a corporation or persons, of the use of a strip of land for specific purposes.

*MAY*: An action which is permissive.

*MONUMENTS*:

Lot Corners: An iron pipe not less than 1” outside diameter or a reinforcing bar not less than ½” in diameter and not less than 30” in length set not less than 24” in the ground.

Control Points: An iron pipe or reinforcing bar as described in “Lot Corners” set in concrete 4” in diameter and 12” in depth, or a 4”x4” concrete post set not less than 24” in the ground with the top of the post adequately marked to define the control point. A permanent pavement marker acceptable to the Village Engineer may be utilized to define the centerline of right-of-way at the control points in lieu of the above described monuments.

*OWNER*: Any person, corporation, partnership or other business entity owning fee title or possessing a superior right to develop and/or subdivide.

*PLAT*: A map, drawing or chart on which the subdivider's plan of the subdivision is presented, and which he/she submits for approval and intends in final form to record as prepared by a Civil Engineer licensed or qualified by registration in the State of Missouri.

Preliminary Plat: The preliminary map indicating the proposed layout of the total subdivision, so designated on the plat and meeting the requirements of Section 405.080.

Final Plat: The final map of all or a portion of the subdivision, so designated on the plat and meeting the requirements of Section 405.080 and prepared for official recording with the Recorder of Deeds of St. Louis County, Missouri.

*SUBDIVISION/SUBDIVIDE*: A parcel of land divided into two (2) or more lots, or other divisions of land; it includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

Minor Subdivision: Any subdivision containing not more than five (5) lots and not involving any new street or roadway.

Major Subdivision: Any subdivision not classified as a minor or agricultural subdivision.

Agricultural Subdivision: Any transfer of land which is to be used primarily for agricultural activity. An agricultural subdivision is exempt from these regulations and the transfer of agricultural lands may proceed after a Letter of Exemption is obtained from the Village Clerk

The term "subdivision" shall include re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or the land subdivided.

### **SECTION 405.030: USE OF UNAPPROVED PLAT IN SALE OF LAND**

No owner, or agent of the owner, of any land located within the Village of Wardsville, knowingly or with intent to defraud, may transfer, sell, agree to sell, or negotiate to sell that land by reference to or by other use of a plat of any purported subdivision of the land before the plat has been approved by the Board of trustees and recorded in the office of the Recorder of Deeds of Cole County. Any person violating the provisions of this section shall forfeit and pay to the Village of Wardsville, a penalty not to exceed five hundred dollars (\$500.00) for each lot transferred or sold or agreed to negotiate to be sold; and the description of metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from this penalty. The Village of Wardsville may re-join or vacate the transfer or sale or agreement by legal action, and may recover the penalty in such action.

The provision of this ordinance requiring preparation and submission of a subdivision plat shall not apply to the sale of all or a part of a recorded lot of record provided that not more than one additional building lot is created and no new street is created. Both the original and the newly created lot shall meet the minimum public street frontage and the yard lot area and width requirements of the Zoning Code and shall have access to all public utilities. Whenever possible the division line between the two lots shall be a straight line. A registered land surveyor shall

prepare and affix his seal to a permanent, reproducible survey document which shall show the boundaries of both lots, existing streets and easement and a legal description of both lots. Neither the original nor the newly created lot shall be transferred, sold, or offered for sale until both have the written endorsement of the Chairpersons of Planning and Zoning Commission and the Public Works Committee, and the Village Engineer, and have been recorded in the office of the Recorder of Deeds.

The Village shall not issue a building permit for any structure on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein

**SECTION 405.040: SMALL SUBDIVISIONS**

The provisions of this chapter shall apply to all subdivisions except those containing less than five (5) acres and which are also not subdivided into more than three lots at least one of which lots will be retained b the developer as a personal residence, and no public streets, water lines, or sewer lines will be installed. Such subdivision may be approved. (Source Ord. 77)

**SECTION 405.050: LARGE AREA SUBDIVISION; GENERAL PLAN**

A subdivision may be developed in separate tracts or sections which shall be successively numbered and identified under the name of the subdivision as Section or tract One, Two, Three, etc. In such instance, the owner shall cause to be prepared by a registered surveyor a general plan of the entire subdivision showing the approximate location of all arterial streets and/ or highways, collateral streets, and the public sanitary sewer and storm sewer drainage facilities contemplated and reasonably required to serve the entire subdivision.

**SECTION 405.060: FILING FEES**

- A. Subdivision Plats: The following schedule of fees is hereby adopted; such fees are to be paid by all persons or corporations submitting preliminary plats for approval by the Commission and shall be computed to the nearest dollar.

Basic Fee: \$50.00                      Plus a Fee per lot of: \$2.00                      Maximum Fee: \$300.00

This fee shall be paid at the time the preliminary plat is submitted to the Village Clerk and shall apply to the review of a preliminary plat and review of the preliminary plat, improvement plans and final plat, provided that the final plat includes the same area to be subdivided as the preliminary plat.

**SECTION 405.070: APPROVAL AND ACCEPTANCE**

- A. *Preliminary Approval By Village Planning And Zoning Commission.*

1. Whenever the owner of any tract or parcel of land within the corporate limits of the Village of Wardsville wishes to make a subdivision of same, he/she shall cause to be prepared a

preliminary plan of said subdivision and shall submit said preliminary plan and other information to the Board of Trustees to pass on to the Village Planning and Zoning Commission and Public Works Committee for its preliminary study and approval. The preliminary plan shall contain such information and data as is outlined in Section 405.050.

2. The Village Planning and Zoning Commission and Public Works Committee shall study such preliminary plat to see if it conforms with the minimum standards and requirements as outlined in this Chapter and shall approve or reject such plat within sixty (60) days after the date of submission thereof to the Board of Trustees. If the Commissions do not act within said period of sixty (60) days, the preliminary plat shall be deemed to be approved; provided however, that the subdivider may agree to an extension of the time for a period not to exceed sixty (60) days.

3. A certificate or statement shall accompany this preliminary and final plat or map, showing the compliance with the requirements under this Chapter.

4. The subdivider shall also submit to the Village Board of Trustee to pass on to the Village Planning and Zoning Commission and Public Works Committee, for its approval or rejection, a final plat of the subdivision which shall contain the data and information outlined in Section 405.050 of this Chapter. The final plat and plans relating to construction data shall be prepared and shall bear the signature and seal of a Civil Engineer licensed to practice professional engineering in the State of Missouri. If the Commissions approve the plat, such approval and date thereof shall be noted on the plat over the signatures of the Chairperson of the Village Planning and Zoning Commission.

5. Any such plan submitted to the Village shall include an original, five copies and one electronic version submitted on a flash drive or CD.

*B. Approval By The Board Of Trustees.*

1. After approval of the subdivision by the Village Planning and Zoning Commission and Public Works Committee, it shall be submitted to the Board of Trustees for final approval or rejection, and for acceptance or rejection of streets, sidewalks, sewers, alleys, ways, easements, parks, or other areas preserved for or dedicated to the public. The opinions and findings of the Public Works Committee shall be advisory in nature.

2. If the Village Planning and Zoning Commission does not approve the final plan of the subdivision, the Board of Trustees may approve said plan and accept the public areas and easements thereon only by a four-fifths (4/5) majority vote of the entire membership of the Board. Similarly, the Board of Trustees may reverse an affirmative decision of the Village Planning and Zoning Commission by a four-fifths (4/5) majority vote of the entire membership of the Board. Two (2) copies of all final plans shall be filed with the Village Clerk after approval by the Board.

## **SECTION 405.080: INFORMATION REQUIRED ON PRELIMINARY AND FINAL PLATS**

Each subdivider of land should confer with the Village Planning and Zoning Commission or with the Village Officials before preparing the preliminary plat in order to become thoroughly familiar with the proposed comprehensive plan or with regulations of the Village affecting the territory in which the proposed subdivision lies.

1. *Preliminary plan.* In seeking to subdivide land, the owner shall submit seven (7) copies of a preliminary sketched plan to the Village Planning and Zoning Commission before submission of the final plat. The preliminary plan shall be drawn to scale and shall show the topography of the tract, the location of the proposed streets, lot lines, building lines and any parks or open spaces. The plan shall also show surrounding streets, lots, watercourses and sewers or water mains. The scale of such preliminary plans shall not be less than one (1) inch to one hundred (100) feet. The subdivider shall submit a statement of the type of character of the improvements that he/she proposes to install and an outline of the deed restrictions and covenants that will be placed upon the subdivision.

2. *Final plan.* The final plan map on mylar and five (5) prints thereof, together with an electronic version on a flash drive or CD shall be submitted to the Village Planning and Zoning Commission. It shall show:

- a. The block, section, United States survey or part thereof, it purports to represent.
- b. The boundaries of the property; the lines of all proposed streets and alleys with their width and names; and any other areas intended to be dedicated to public use.
- c. The lines of adjoining streets and alleys, with their width and names.
- d. All lot lines, building lines and easements with figures showing their dimensions.
- e. All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area or of the lots, streets, alleys, easements and building line set-backs, and any other similar public or private uses. The linear dimensions shall be expressed in feet and decimals of a foot.
- f. Radii, arcs and chords, points of tangency, central angles for all curvilinear streets, and radii for all rounded corners.
- g. All monuments together with their descriptions.
- h. Title and description of property subdivided, showing its location and extent, points of compass, scales of plans and name of subdivider and of engineer staking the lots.

i. Plan and profile of all streets, storm and sanitary sewers, water lines and drainage structures together with their drainage area, cross sections of street and sidewalk gradients and proposed construction.

j. Any private restrictions and trusteeships of expiration or reference made to them on the plat; the plat shall contain proper acknowledgements of owners and mortgagees accepting said plat and restrictions.

k. A certificate shall accompany the final plat showing that all taxes due shall have been previously paid.

**SECTION 405.090: PLAT TO BE ACKNOWLEDGED AND RECORDED--ACCEPTANCE BY VILLAGE**

Such map or plat shall be acknowledged by the owner before some official authorized by law to take acknowledgments of conveyances of real estate, and recorded in the office of the Recorder of Deeds of Cole County provided however, that if such map or plat be of land situated within the corporate limits of the Village, it shall not be placed of record until it shall have been submitted to and approved by the Board of Trustees of the Village, by ordinance, duly passed and approved by the Chairperson, and such approval endorsed upon such map or plat under the hand of the Clerk and the Seal of the Village, nor until all taxes against the same shall have been paid; and before approving such plat, the Board of Trustees may, in its discretion, require such changes or alterations thereon as may be found necessary to make such map or plat conform to any zoning or street development plan which may have been adopted or appear reasonably related to the requirements of the duly enacted ordinances of the Village appertaining to the laying out and platting of subdivisions of land within their corporate limits.

**SECTION 405.100: MINIMUM STANDARDS OF DESIGN AND OF DEVELOPMENT**

No subdivision plat shall be approved by either the Planning and Zoning Commission or by the Board of Trustees unless it conforms to the following minimum standards and requirements:

1. *Relation to adjoining street system.* The arrangement of streets in new subdivisions shall make provisions for the proper location and width of streets. The subdivider may be required to continue certain existing or planned streets through or adjacent to the area that is being subdivided, whenever same is necessary to provide for local movements of vehicles or to enable adjoining property to be properly subdivided.

2. *Streets and alley widths.*

a. All major through streets shall have a fifty (50) foot right-of-way in width with a minimum paved width of thirty (30) feet. The paved width shall be measured from back to back of curbs and gutters.

b. All minor streets shall have a forty-five (45) foot right-of-way with a minimum paved width of twenty-six (26) feet. The paved width shall be measured from back to back of curbs and gutters.

c. Alleys should not be provided in residential districts. Alleys will, however, be required in the rear of all business lots and shall be at least twenty (20) feet wide.

d. Where it is desirable to subdivide a tract of land, which because of its size or location, does not permit a normal street arrangement, there may be established one or more "places". Such a place may be in the form of a court, a cul-de-sac, or other arrangement, except that it shall not end in a dead-end street. All "places" or cul-de-sacs shall have a circle at the end with a minimum of sixty (60) feet turning radius.

e. Adequate provision shall be made adjacent to commercial buildings for public street parking areas in accordance with minimum standards and requirements in conformity with other laws of the Village of Wardsville.

### 3. *Easements.*

a. Where alleys are not provided, easements of not less than ten (10) feet in width shall be provided on each side of all rear lot lines, and side lines where necessary, for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains. Easements of greater width may be required along lines or across lots where necessary for the extension of main sewers and similar utilities.

b. Whenever any creek, stream or important surface watercourse is located in an area that is being subdivided, the subdivider shall, at his/her own expense, make adequate provisions for straightening or widening the channel so that it will properly carry the surface water and shall stabilize and secure the creek banks so that the same will be free from erosion, and the subdivider shall also provide and dedicate to the Village an adequate easement along each side of the watercourse, which easement shall be for the purpose of widening, improving or protecting the same and for recreational uses.

4. *Lots.* The minimum area of any lot in a subdivision shall not be less than the minimum lot area requirements of the zoning districts in which the area is located.

5. *Building lines.* Building lines shall be shown on all lots intended for residential use of any character, and on commercial lots immediately adjoining residential areas. Such building lines shall not be less than required by the Zoning Code of the Village.

6. *Improvements.* Before the final plat of any subdivided area shall be approved and recorded, the subdivider shall make and install the improvements described in this

Subsection. In lieu of final completion of the minimum improvements before the plat is finally approved, the subdivider will post a surety bond, which bond will insure to the Village that the improvements will be completed by the subdivider within one (1) year after the final approval of the plan. The amount of the bond shall not be less than the estimated cost of improvements, and the amount of the estimate must be approved by the Board of Trustees. If the improvements are not completed within the specified time, the Board of Trustees may use the bond or any necessary portion thereof to complete the same.

The minimum improvements installed in any subdivision before the plat can be finally approved shall be in accordance with the following Subsections:

a. The subdivider shall grade and improve all new streets within the subdivision area. All such streets shall conform to the minimum structural standards as established by Cole County. The paving on all new streets shall be concrete. Curbs and gutters shall be of concrete and conform to the minimum requirements and standards as established by Cole County.

b. The subdivider shall pay the cost of all labor, materials, and incidental expense required for the installation of water mains and fire hydrants in the subdivided area. Such installation of the water mains and fire hydrants aforesaid shall be done by the Developer in accordance with the standards and specifications as approved by the Board of Trustees. The water mains and hydrants, when approved and accepted, shall become the property of the Village who shall have exclusive control and use thereof.

c. The subdivider shall install sanitary sewers in conformance with the minimum requirements and receive prior approval of the Board of Trustees and provide a connection with each lot. Before the improvement is started, the plan therefore shall be approved by the Board of Trustees of the Village of Wardsville.

d. The subdivider shall, when necessary, install storm sewers to provide drainage of the development in conformance with minimum requirements and receive prior approval of the Board of Trustees. Before the improvement is started, the plan therefore shall be approved by the Board of Trustees.

7. *Street names.*

a. Streets that are obviously in alignment with others already existing and named shall bear the names of the existing streets. New street names shall be approved by the Board of Trustees.

b. Before the final plan for the subdivision shall be approved, the subdivider shall submit to the Board of Trustees a statement from the local Postmaster approving the name of the proposed streets and of the proposed system of postal addresses along such streets.

**SECTION 405.120: VARIATIONS AND EXCEPTIONS**

Whenever the strict enforcement of these regulations would entail unusual difficulties or hardships, the Planning and Zoning Commission and Board of Trustees of Wardsville may vary or modify them in such a way that the subdivider be allowed to plan and develop the property and record a plat of same; provided however, that the public welfare and interests of the Village be fully protected and the general intent and spirit of the regulations preserved.

**SECTION 405.130: ENFORCEMENT**

A. No plat of any subdivision shall be entitled to record in the County Recorder's Office or have any validity until it shall have been approved in the manner prescribed herein.

B. The Board of Trustees of the Village of Wardsville shall not permit any public improvements over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that was platted after August 30, 1995, unless such subdivision or street has been approved in accordance with the provisions contained herein.

C. Any person who deems himself/herself aggrieved by any final action of the Board of Trustees in refusing to approve a plan for the design or development of new subdivisions, as herein provided for, may appeal to the Circuit Court of Cole County, from such final order or decision of the Board of Trustees.

**SECTION 405.140: PENALTY**

Any owner violating the provisions of this Chapter is guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by confinement in the County jail for not more than one (1) year, or by both such fine and confinement.

**SECTION 405.145: DEVELOPER'S RESPONSIBILITY FOR PROFESSIONAL FEES**

Any person or entity submitting a plat, replat, zoning change request, application for conditional use permit; application for variance or other land use application to the Village for approval or consideration shall be liable to the Village for the actual costs incurred by the Village in fully and thoroughly evaluating and investigating such application or plat. Any such costs incurred by the Village in excess of the stated filing fee associated therewith shall be paid in full by said person or entity prior to receiving a final ruling on said application, plat or request. In the event said person or entity disputes the cost or fee incurred by the Village, the Village shall provide full and complete documentation and proof of the costs so incurred. The Village agrees to not incur costs greater than the filing fee associated with said submission without first receiving the approval of the person or entity submitting the application. Should the person or entity refuse to give consent to the Village to undertake such investigation at increased cost, the person or

entity making such submission has the option of providing to the Village the requested information through a person or party approved first by the Board of Trustees of the Village.

## **CHAPTER 407: LAND DISTURBANCE CODE**

### **SECTION 407.010: ADOPTION OF COUNTY CODE**

A. The Cole County, Missouri Land Disturbance Code as adopted by the County of Cole, Missouri is hereby adopted as the Land Disturbance Code of the Village of Wardsville, Missouri, which is set out herein in Section 407.020.

B. All ordinances, parts of ordinances or provisions of the Municipal Code of the Village of Wardsville in conflict with any provisions of this Chapter are hereby repealed.

### **SECTION 407.020: LAND DISTURBANCE CODE OF COLE COUNTY**

#### *TITLE XI*

#### *PUBLIC WORKS AND BUILDING REGULATIONS*

#### *LAND DISTURBANCE CODE*

#### *CHAPTER 407*

#### *407.100 CHAPTER 1--ADMINISTRATION*

*407.101.1 Title:* These regulations shall be known as the "Land Disturbance Code" of Cole County, Missouri, hereinafter referred to as "this code".

*407.102 Introduction:* On construction or land disturbance sites, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Deposits of eroded soil also necessitate maintenance of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat. Construction activities also utilize materials and generate wastes which, if not properly controlled, can pollute receiving waters.

*407.103 Purpose:* The purpose of this code is to safeguard persons, protect property, and prevent damage to the environment in Cole County. This code will also promote the public welfare by

guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in Cole County.

*407.104 Scope:* This code provides for the safety, health and welfare of the public by regulating and controlling the design, construction, use and maintenance of any development or other activity that disturbs land surfaces or results in the movement of earth in the unincorporated part of Cole County, Missouri.

*407.105 Definitions:* For the purpose of this code, the following terms, phrases, words and their derivations shall have the meanings given herein. Where terms are not defined by this Section, such terms shall have ordinarily accepted meanings such as the context implies.

*Best Management Practices or BMP:* Practices, procedures or a schedule of activities to reduce the amount of sediment and other pollutants in storm water discharges associated with construction and land disturbance activities.

*Clearing:* Any activity that removes the vegetative surface cover.

*Code or this Code:* The "Land Disturbance Code" of Cole County, Missouri, as adopted by Cole County ordinance.

*County:* Cole County, Missouri.

*Construction Site or Land Disturbance Site:* A parcel or contiguous parcels where land disturbance activities are performed as part of a proposed development.

*Department of Highways and Traffic:* The County Department of Highways and Traffic acting through its Director or his/her duly authorized designee.

*Department of Planning:* The County Department of Planning acting through its Director or his/her duly authorized designee.

*Department of Public Works:* The County Department of Public Works acting through its Director or his/her duly authorized designee.

*Drainage Way:* Any channel that conveys surface runoff through a site.

*Erosion:* The wearing away of land surface through the action of wind or water.

*Erosion Control:* Any Best Management Practices (BMP) that prevents or minimizes erosion.

*Grading:* Reshaping the ground surface through excavation and/or fill of material.

*Land Disturbance Activities:* Clearing, grading or any related work which results in removal of the natural site vegetation and destruction of the root zone or otherwise results in leaving the ground surface exposed to soil erosion through the action of wind or water.

*Land Disturbance, Major:* Any land disturbance activity involving one (1) acre or more of land or a site involving less than one (1) acre that is part of a proposed development that will ultimately disturb one (1) acre or more.

*Land Disturbance, Ordinary:* Any land disturbance activity involving less than one (1) acre of land.

*Land Disturbance Permit:* A permit issued by the authority having jurisdiction authorizing a land disturbance activity at a specific site subject to conditions stated in the permit. A permit may be for either major or ordinary land disturbance activities.

*Perimeter Control:* A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

*Phasing:* Clearing a parcel of land in distinct stages with the stabilization of each phase substantially completed before the clearing of the next.

*Qualified Professional:* A Missouri licensed professional engineer or other person or firm knowledgeable in the principles and practices of erosion and sediment control, including the Best Management Practices described in this code.

*Runoff coefficient:* The fraction of total rainfall that exits at the outfalls from a site.

*Sediment Control:* Any Best Management Practices (BMP) that prevents eroded sediment from leaving a site.

*Stabilization:* The use of Best Management Practices (BMP) that prevent exposed soil from eroding from a land disturbance site.

*Start of Construction:* The first (1st) land disturbance activity associated with a development.

*Storm Water Pollution Prevention Plan (SWPPP):* A management plan, the purpose of which is to ensure the design, implementation, management and maintenance of Best Management Practices (BMP) in order to reduce the amount of sediment and other pollutants in storm water discharges associated with land disturbance activities, comply with the standards of the County and ensure compliance with the terms and conditions of the applicable State permits, including adherence to the land disturbance program contained in Missouri MS4 NPDES permits.

*Water Course:* A natural or artificial channel or body of water, including, but not limited to, lakes, ponds, rivers, streams, ditches and other open conveyances that carry surface runoff water either continuously or intermittently.

#### *407.106 SERVICE TO MUNICIPALITIES*

*407.106.1 Contracting with Municipalities:* The Department of Public Works, with the approval of the County Executive, is hereby authorized to contract with municipalities within the County to provide appropriate services to enforce the requirements of this code and further to collect fees for applicable permits and inspections issued or made pursuant to such contracts. No contract for services under this code shall be entered into until the municipality desiring to contract with the County for enforcement of this code shall:

1. Contract with the County for enforcement of Building Code and Explosives Code enforcement services; and
2. Adopt a code identical in substance to this code; and
3. Perform the functions associated with the authority and responsibilities of the Department of Planning identified in Section 103.1 of this code or other mutually agreeable services; and
4. Perform the functions associated with the authority and responsibilities of the Department of Highways and Traffic identified in Section 103.3 of this code or other mutually agreeable services.

*407.106.2 Municipal Zoning Approval:* All plans for land disturbance activities within the corporate limits of any municipality that contracts with the County for code enforcement services shall be reviewed and approved by the contracting municipality for compliance with its zoning or other municipal regulatory ordinances or provisions prior to issuance of a County permit under this code.

#### *APPLICABILITY*

*407.200 Other Laws:* The provisions of this code shall not be deemed to nullify any provisions of County, State or Federal law.

#### *ENFORCEMENT*

*407.300 Department of Planning:* The Department of Planning shall have the authority and responsibility to perform the following functions related to the enforcement of this code as associated with major land disturbance permits:

1. Receive applications for major land disturbance permits;
2. Coordinate the review of permit applications and accompanying documents with the Department of Public Works, the State of Missouri and Cole County as applicable;

3. Clear issuance of major land disturbance permits with the State of Missouri and Cole County, as applicable, and issue such permits; and

4. Administer the determination, collection and release of site development escrows required by this code.

*407.301 Department of Public Works:* The Department of Public Works shall have the authority and responsibility to perform the following functions related to the enforcement of this code:

1. Inspection of major land disturbance activities;
2. Inspection of land disturbance activities within or abutting areas designated one hundred (100) year flood plain; and
3. Plan review, inspection and issuance of permits for ordinary land disturbance activities relating to Best Management Practices (BMP) to be utilized to control erosion and sedimentation from leaving the site during construction and other land disturbance activities.

*407.302 Department of Highways and Traffic:* The Department of Highways and Traffic shall have the authority and responsibility to perform the following functions related to the enforcement of this code:

1. Plan review of major land disturbance activities;
2. Plan review and inspection of land disturbance activities related to construction, repair, maintenance, or condition of roadways and roadway right-of-ways which are maintained by the County; and
3. Plan review of land disturbance activities within or abutting areas designated one hundred (100) year flood plain.

*407.303 Rule-making Authority:* County departments having enforcement authority and responsibilities described in Section 103 of this code shall have the authority, as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this code, in order to secure the intent thereof, and to designate requirements applicable because of local climatic or other conditions. Such rules and regulations shall not have the effect of waiving requirements specifically provided for in this code or of violating accepted engineering practices involving the purpose of this code.

## VIOLATIONS

*407.400 Unlawful acts:* It shall be unlawful for any person, firm or corporation to perform any land disturbance activities or cause or allow same to be done in conflict with or in violation of any of the provisions of this code.

*407.401 Notices of Violations:* When the Department of Public Works, the Department of Planning or the Department of Highways and Traffic determines that a violation of this code exists, the respective Director shall notify the violator. The notification shall be in writing and shall be delivered to the violator or his/her legally authorized representative or mailed to his last known address via first class mail postage prepaid. Any person having been notified that a violation exists and who fails to abate the violation within ten (10) days after notification shall be subject to the penalties enumerated in Sections 104.4 and 104.4.1.

*407.402 Prosecution of Violation:* If the violator does not abate the violation promptly, the Department of Public Works, Department of Planning or the Department of Highways and Traffic shall request the County Counselor to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation.

*407.403 Violation, Penalties:* Any person, firm or corporation who shall violate any provision of this code, or who shall fail to comply with any of the requirements thereof, or who shall perform work in violation of the approved construction documents or the Storm Water Pollution Prevention Plan, or any directive of the Department of Public Works, Department of Planning or the Department of Highways and Traffic, or of a permit or certificate issued under the provisions of this code, or shall start any work requiring a permit without first obtaining a permit therefore, or who shall continue any work in or about a structure after having been served a stop work order, except for such work which that person, firm or corporation has been directed to perform to remove a violation or unsafe conditions, or any owner of a property or any other person who commits, takes part or assists in any violation of this code or who maintains any property on which such violation shall exist shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

*407.404 No-Permit Penalty:* In addition to the penalties set out above, the following procedure shall be followed where a County department identified in Section 103 determines that work has been started prior to the acquisition of a permit required by this code:

1. The department shall issue a stop work order.
2. The department Director shall notify the violator of his/her assessment regarding the appropriate penalty amount to be assessed against the violator, which shall not exceed one thousand dollars (\$1,000.00) for each day that work occurs without a permit. In making the assessment, the department shall consider whether the violator has previously violated this code and whether the occupation or experience of the violator indicates that he/she knew or should have known that a permit was required. In no case will a no-permit penalty be assessed against a property owner unless he/she actually performed the work involved.

3. At the violator's option, he/she may deposit the assessed penalty amount in escrow (certified check or cash only) with the department, in which case the violator's right to a hearing will be preserved.

4. No-permit penalties are appealable to the Building Commission in the same manner as other decisions of the department. The department may revise its assessment upon notice to both the Building Commission and the violator at any time prior to the hearing. Likewise, at any time prior to the hearing, the violator may accept and pay the recommended penalty amount and the hearing will be canceled.

5. At the hearing before the Building Commission, said Commission shall afford both the department and the alleged violator an opportunity to present any evidence or make any statements they wish to have considered.

6. Following the hearing the Building Commission shall determine whether a permit was required:

a. If the Building Commission determines that a permit was required, an appropriate penalty amount shall be assessed, taking into account the same considerations as noted above. The stop work order shall remain in full force and effect until such time as the penalty amount is paid and the violator has complied with all other regulations pertaining to the issuance of permits.

b. If the Building Commission determines that no permit was required, the department shall immediately cancel the stop work order.

*407.405 Abatement of Violation:* The imposition of the penalties herein prescribed shall not preclude the County Counselor from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal use of a property or to stop an illegal act.

*407.406 Permit Suspension or Revocation:* When a land disturbance activity is conducted in violation of the requirements of this code or the terms of the permit in such a manner as to materially adversely affect the safety, health or welfare of persons or materially be detrimental or injurious to property or improvements, the Department of Public Works or the Department of Highways and Traffic may suspend or revoke such permit.

*407.407 Stop Work Order:* Upon notice from the Department of Public Works or the Department of Highways and Traffic that work on any property is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume.

*407.408 Unlawful Continuance:* Whenever the Department of Public Works or the Department of Highways and Traffic finds that any land disturbance activity is being prosecuted contrary to

the provisions of this code or in an unsafe and dangerous manner, the owner or the person performing such activity shall immediately stop such activity. The stop work order shall be in writing and shall be given to the owner of the property involved or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume. Any person who shall continue any work in or about the property after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as specified in Chapter 407.400 of this code.

### APPEALS

*407.500 Application for Appeal:* Any person shall have the right to appeal a decision of the Department of Planning, the Department of Public Works or the Department of Highways and Traffic to the Building Commission. An application for appeal shall be based on a claim that the intent of this code or the rules or regulations adopted thereunder have been incorrectly interpreted or the provisions of this code do not apply.

*407.501 Filing Procedure:* All appeals shall be filed in writing with the Department of Public Works. All appeals shall be filed within thirty (30) days after the decision to be appealed is rendered by the departments identified in this Section.

*407.502 Filing Fee:* All appeals must be accompanied by a fee as set by Cole County.

*407.503 Notice of Meeting:* The Commission shall meet upon notice from the Chairman within ten (10) days of the filing of an appeal or at stated periodic meetings.

*407.504 Open Hearing:* All hearings before the Commission shall be open to the public. The appellant, the appellant's representative, the County department(s) having enforcement authority and responsibilities described in Section 103.0 of this code and any person whose interests are affected shall be given an opportunity to be heard.

*407.505 Procedure:* The Commission shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received.

*407.506 Commission Decision:* Decisions by the Commission to reverse or modify a decision by a department requires a minimum vote of three (3) members.

*407.507 Resolution:* The decision of the Commission shall be in writing. Copies shall be furnished to the appellant and to the County department(s) having enforcement authority and responsibilities described in Section 103.0 of this code.

*407.508 Administration:* The applicable County department identified in Section 105.1 of this code shall take immediate action in accordance with the decision of the Commission.

*407.509 Court Review:* A party adversely affected by a decision of the Commission may appeal to an appropriate court from such decision. Application for review shall be made in the manner and time required by law following the filing of the decision.

*LAND DISTURBANCE PERMITS REQUIRED*

*407.600 County Permit Required:* Any person who intends to conduct any land disturbance activity must obtain a permit prior to beginning the activity. The type of permit shall be as required by Sections 407.601 or 407.602 in this code.

*Exception:* Activities that do not require permits under Section 106.3 of this code.

*407.601 Major Land Disturbance Permit:* No person shall perform any major land disturbance activity prior to receipt of a major land disturbance permit. Applications for major land disturbance permits shall be filed with the Department of Planning.

*Exception:* Activities that do not require permits under Section 407.605 of this code.

*407.602 Ordinary Land Disturbance Permit:* No person shall perform any ordinary land disturbance activity prior to receipt of an ordinary land disturbance permit. Applications for ordinary land disturbance permits shall be filed with the Department of Public Works.

*Exception:* Activities that do not require permits under Section 407.605 of this code.

*407.603 County Building Permit and Related Ordinary Land Disturbance Activities:* The Department of Public Works may include ordinary land disturbance activities associated with the construction of a building, structure or parking lot authorized by a permit issued under the Building Code as an integrated permit for the proposed construction.

*407.604 Limitation on Transfer of Land Disturbance Permits:* Any person who buys land from a person who has been issued a land disturbance permit under Sections 106.1.1 or 106.1.2 of this code must obtain a separate land disturbance permit from County.

*Exceptions:*

1. Major land disturbance permits may be transferred to a new land owner provided the original permit holder obtains the approval of the Department of Planning to retain responsibility for the land disturbance activities on such property.

2. Ordinary land disturbance permits may be transferred to a new land owner provided the original permit holder obtains the approval of the Department of Public Works to retain responsibility for the land disturbance activities on such property.

*407.605 Exceptions--Land Disturbance Permits Not Required:* Land disturbance permits are not required for the activities identified as items 1 and 8 in this Section, nor are such permits required for the activities identified in items 2, 3, 4, 5, 6 and 7, provided the activity does not

alter, or cause to be altered, the present surface of the ground: a) by any cut or fill at the property line; b) by any cut or fill that would permanently divert one drainage area to another drainage area; c) by any cut or fill which would deposit mud or harmful silt or create erosion or damage to adjoining properties; or d) by any cut or fill that would block or affect an existing swale or drainage path in a manner to cause damming and ponding.

1. Any emergency activity that is immediately necessary for the protection of life, property or natural resources.

2. Existing farming, nursery and agricultural operations conducted as a permitted or accessory use.

3. Excavation or fill of less than thirty (30) cubic yards provided the land disturbance activity is for the improvement of the property. Erosion and sediment control measures shall be provided, when necessary, until grass or other vegetation is established or other approved means of ground cover means are used.

4. Land disturbance activities associated with additions to and accessory structures for one- and two-family dwellings.

5. Land disturbance activities less than two thousand (2,000) square feet in area.

6. Removal of existing or dying grass or similar vegetation by disturbing not more than ten thousand (10,000) square feet and resodding or reseeded with new landscaping to include preparation of the seed bed; provided erosion and sediment control measures are provided until the grass or other vegetation is established. Any cut or fill in conjunction with the preparation of the seed bed shall not exceed thirty (30) cubic yards.

7. Gardening and similar activities on property occupied by one- or two-family dwellings.

8. Land disturbance activities by any public utility for the installation, inspection, repair or replacement of any of its equipment or for its collection or distribution lines or piping systems; provided erosion and sediment control measures are provided until grass or other vegetation is established or other approved ground cover means are used. This exception does not apply to any land disturbance activity associated with work that requires a building permit.

*407.606 State of Missouri Permits Required:* The permit applicant must obtain a land disturbance permit from the State of Missouri Department of Natural Resources for any site where one (1) acre or more of land will be disturbed, before beginning any site work authorized by a County permit. This requirement applies to sites of less than one (1) acre that are part of a proposed development that will ultimately disturb one (1) acre or more.

#### LAND DISTURBANCE PERMIT APPLICATIONS

*407.700 Permit Applications:* Applications for land disturbance permits required by this code shall be in the form prescribed by and accompanied by the site plans and documents determined

necessary by the County department responsible for issuing the permit. Such applications shall include proof that proposed land uses have received zoning approvals from the County or the municipality in which the land disturbance activities will occur.

*407.701 Storm Water Pollution Prevention Plan Required (SWPPP) for Major Land Disturbance Permits:* All applications for major land disturbance permits shall be accompanied by a Storm Water Pollution Prevention Plan prepared for the specific site by or under the direction of a qualified professional. The application shall contain a statement that any land clearing, construction or development involving the movement of earth shall be in accordance with the Storm Water Pollution Prevention Plan, and the applicant will assume and acknowledge responsibility for compliance with this code and the Storm Water Pollution Prevention Plan at the site of the permitted activity.

*407.702 Required Site Development Escrows for Major Land Disturbance Permits:* Applicants for major land disturbance permits shall file a site development escrow, in the form of a letter of credit or other improvement security in an amount deemed sufficient by the Department of Planning to cover all costs of improvements, landscaping and maintenance of improvements for such period as specified by the Department of Planning. The site development escrow shall include engineering and inspection costs sufficient to cover the cost of failure or repair of improvements installed on the site.

*407.703 Release of Escrows--Project Closure:* Any site development escrow will not be fully released to the property owner, site operator or permit holder until all of the following have been completed:

1. All temporary storm water control Best Management Practices (BMPs) have been removed and the site has been fully stabilized.
2. All permanent storm water control Best Management Practices (BMPs) have been completed.
3. All final inspections/certifications have been completed by each of the government jurisdictions involved in authorizing the project.

### FEES

*407.800 Issuance of Permits:* Land disturbance permits shall not be issued until the fees associated with the permit are paid to the individual County departments as specified in Sections 108.1.1 through 108.1.3 of this code.

*Exception:* Individual County departments may defer all or parts of fees to a later stage of site development.

*407.801 Department of Planning:* Fees for the activities of the Department of Planning related to land disturbance permits shall be in accordance with the fee rates set forth and promulgated by Cole County.

*407.802 STORM WATER POLLUTION PREVENTION PLAN (SWPPP)*

*407.803 Content--Storm Water Pollution Prevention Plan (SWPPP):* The design requirements in Chapter 2 of this code shall be complied with when developing the Storm Water Pollution Prevention Plan and the plan shall include the following:

1) Name, address and telephone number of the site owner and the name, address and telephone number of the individual who will be in overall responsible charge of construction/development activities at the site.

2) Site address or location description and parcel identification number(s).

3) A site map showing the outlines of the total project area, the areas to be disturbed, existing land uses, locations and names of surface water bodies, locations of flood plains, locations of temporary and permanent Best Management Practices (BMP) and such other information as may be required by the County department(s) having enforcement authority and responsibilities described in Section 103.0 of this code.

4) Existing contours of the site and adjoining strips of off-site property and proposed contours after completion of the proposed land disturbance and development, based on United States Geological Survey datum, with established elevations at buildings, walks, drives, street and roads; and information on necessary clearing and grubbing, removal of existing structures, excavating, filling, spreading and compacting.

5) A natural resources map identifying soils, forest cover and resources protected under other provisions of County ordinances.

6) An estimate of the runoff coefficient of the site prior to disturbance and the runoff coefficient after the construction addressed in the permit application is completed.

7) Estimated quantity of land to be disturbed.

8) Details of the site drainage pattern both before and after major land disturbance activities.

9) Access to construction site.

10) Description of Best Management Practices (BMP) to be utilized to control erosion and sedimentation during the period of land disturbance.

11) Description of Best Management Practices (BMP) to be utilized to prevent other potential pollutants such as construction wastes, toxic or hazardous substances, petroleum

products, pesticides, herbicides, site litter, sanitary wastes and other pollutants from entering the natural drainage ways during the period of construction and land disturbance.

12) Description of Best Management Practices (BMP) that will be installed during land disturbance to control pollutants in storm water discharges that will occur after land disturbance activity has been completed.

13) Location of temporary off-street parking and wash-down area for related vehicles.

14) Sources of off-site borrow material or spoil sites and all information relative to haul routes, trucks and equipment.

15) The anticipated sequence of construction and land disturbance activities, including installation of Best Management Practices (BMP), removal of temporary Best Management Practices (BMP), stripping and clearing; rough grading; construction utilities, infrastructure and buildings; and final grading and landscaping. Sequencing shall identify the expected date(s) on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

16) All erosion and sediment control measures necessary to meet the objectives of this code throughout all phases of construction and after completion of site development. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.

17) Seeding mixtures and rates, types of sod, method of seed bed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.

18) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

19) Plans for responding to any loss of contained sediment to include the immediate actions the permit holder will take in case of a containment failure. This plan must include documentation of actions and mandatory reporting to the Department of Public Works.

20) Schedules and procedures for routine inspections of any structures provided to prevent pollution of storm water or to remove pollutants from storm water and of the site in general to ensure all Best Management Practices (BMP) are continually implemented and are effective.

*407.804 Required Plan Amendments--Storm Water Pollution Prevention Plan (SWPPP):* The permit holder shall amend the Storm Water Pollution Prevention Plan whenever:

1. Design, operation or maintenance of Best Management Practices (BMP) is changed;

2. Design of the construction project is changed that could significantly affect the quality of the storm water discharges;
3. Site operator's inspections indicate deficiencies in the Storm Water Pollution Prevention Plan (SWPPP) or any Best Management Practices (BMP);
4. Inspections by County or by the Missouri Department of Natural resources indicate deficiencies in the Storm Water Pollution Prevention Plan (SWPPP) or any Best Management Practices (BMP);
5. The Storm Water Pollution Prevention Plan (SWPPP) is determined to be ineffective in significantly minimizing or controlling erosion or excessive sediment deposits in streams or lakes;
6. The Storm Water Pollution Prevention Plan (SWPPP) is determined to be ineffective in preventing pollution of waterways from construction wastes, chemicals, fueling facilities, concrete truck washouts, toxic or hazardous materials, site litter or other substances or wastes likely to have an adverse impact on water quality;
7. Total settleable solids from a storm water outfall exceeds 0.5 ml/L/hr if the discharge is within the prescribed proximity of a "valuable resource water" as defined by the Missouri Department of Natural Resources;
8. Total settleable solids from a storm water outfall exceeds 2.5 ml/L/hr for any other outfall; or
9. The County or the Missouri Department of Natural Resources determines violations of water quality standards may occur or have occurred.

*407.805 Permit Holder Responsibilities for Administration of Storm Water Pollution Prevention Plan (SWPPP):* The permit holder shall:

1. Notify all contractors and other entities (including utility crews, County employees or their agents) that will perform work at the site of the existence of the Storm Water Pollution Prevention Plan (SWPPP) and what actions or precautions shall be taken while on site to minimize the potential for erosion and the potential for damaging any Best Management Practices (BMP);
2. Determine the need for and establish training programs to ensure that all site workers have been trained, at a minimum, in erosion control, material handling and storage, and housekeeping;
3. Provide copies of the Storm Water Pollution Prevention Plan (SWPPP) to all parties who are responsible for installation, operation or maintenance of any Best Management Practices (BMP); and

4. Maintain a current copy of the Storm Water Pollution Prevention Plan (SWPPP) on the site at all times.

### DESIGN REQUIREMENTS

#### GENERAL

*407.900 Design:* The design of erosion and settlement controls required for land disturbance activities shall comply with the following minimum requirements:

1. Land disturbance, erosion and sediment control practices, and watercourse crossings shall be adequate to prevent transportation of sediment from the site.

2. Materials brought to any site or property under a permit issued under this code, where said material is intended to be utilized as fill material at the site for land disturbance, erosion or sediment control, shall consist of clean uncontaminated earth, soil, dirt, sand, rocks, gravel or masonry materials only.

3. Cut and fill slopes shall be no greater than 3:1 except as approved by the Department of Public Works or the Department of Highways and Traffic to meet other community or environmental objectives.

4. Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other County ordinances.

5. Clearing techniques that retain existing vegetation to the maximum extent practicable shall be used and the time period for disturbed areas to be without vegetative cover shall be minimized to the extent practical.

6. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

7. Phasing shall be required on all sites disturbing greater than thirty (30) acres of land. The size of each phase will be established by the Department of Planning at the time of plan review for the issuance of a major land disturbance permit.

*407.901 Erosion Control Design:* Erosion control requirements shall include the following:

1. Soil stabilization shall be completed within five (5) days of clearing or inactivity in construction.

2. If seeding or another vegetative erosion control method is used, it shall become established within two (2) weeks or the site shall be reseeded or a non-vegetative option employed.

3. Techniques shall be employed to ensure stabilization on steep slopes and in drainage ways.
4. Soil stockpiles must be stabilized or covered at the end of each workday or perimeter controls must be in place to prevent silt from the stockpile from leaving the site.
5. The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
6. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
7. Techniques shall be employed to divert upland runoff past disturbed slopes.

*407.902 Sediment Control Design:* Sediment control requirements shall include:

1. Settling basins, sediment traps or tanks and perimeter controls.
2. Settling basins shall be provided for each drainage area within ten (10) or more acres disturbed at one time and shall be sized to contain 0.5 inch of sediment from the drainage area and be able to contain a 2-year, 24-hour storm. If the provision of a basin of this size is impractical, other similarly effective Best Management Practices (BMP), as evaluated and specified in the Storm Water Pollution Prevention Plan (SWPPP), shall be provided.
3. Settling basins shall be designed in a manner that allows adaptation to provide long-term storm water management as required by the County department(s) having enforcement authority and responsibilities described in Section 103.0 of this code.
4. Settling basins shall have stabilized spillways to minimize the potential for erosion of the spillway or basin embankment.
5. Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.

*407.903 Watercourse Design:* Watercourse protection requirements shall include:

1. Encroachment into or crossings of active watercourses/riparian areas and wetlands shall be avoided to the maximum extent practicable. All County, State and Federal permits and approvals shall be obtained by a permit holder prior to beginning work authorized by a County land disturbance permit.
2. Stabilization of any watercourse channels before, during and after any in-channel work.
3. If a defined watercourse is to be realigned or reconfigured, clearing and grubbing activities within fifty (50) feet of the watercourse shall not begin until all materials and equipment necessary to protect the watercourse and complete the work are on site. Once started, work shall be completed as soon as possible. Areas within fifty (50) feet of the watercourse

shall be recontoured and revegetated, seeded or otherwise protected within five (5) working days after land disturbance activities have ceased.

4. All storm water conveyances shall be designed and approved by a licensed engineer upon plans bearing the seal of said engineer, and then approved by the Village Engineer.

5. Stabilization adequate to prevent erosion shall be provided at the outlets of all pipes and paved channels.

*407.904 Construction Site Access Design:* Construction site access requirements for major land disturbance activities shall include:

1. A temporary access road provided at all land disturbance sites including a wash-down area supporting all active sites.

2. The Department of Highways and Traffic may require other measures to ensure that construction vehicles do not track sediment onto public streets or be washed with wash effluent channeled directly into storm drains.

*407.905 Control of Construction Materials and Waste:* Control requirements for construction materials, construction wastes and other wastes generated on site at land disturbance sites shall include provisions satisfactory to the County department(s) having enforcement authority and responsibilities described in Section 103.0 of this code for:

1. Spill prevention and control facilities for materials such as paint, solvents, petroleum products, chemicals, toxic or hazardous substances, substances regulated under the Resource Conservation and Recovery Act (RCRA) or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and any wastes generated from the use of such materials and substances, including their containers. Any containment systems employed to meet this requirement shall be constructed of materials compatible with the substances contained and shall be adequate to protect both surface and ground water.

2. Collection and disposal of discarded building materials and other construction site wastes, including those listed in Section 201.6.1 above.

3. Litter control.

4. Control of concrete truck washouts.

5. Assurance that on-site fueling facilities will adhere to applicable Federal and State regulations concerning storage and dispensers.

6. Provision of sufficient temporary toilet facilities to serve the number of workers on major land disturbance sites.

## INSPECTIONS

### GENERAL

*407.1000 Department of Public Works--General:* The County department(s) having enforcement authority and responsibilities described in Section 103.0 of this code shall make inspections as herein required and shall either approve that portion of the work completed or shall notify the permit holder wherein the work fails to comply with the land disturbance, erosion and sediment control plan as approved. Plans for land disturbance, stripping, excavating and filling work bearing the stamp of approval of the County department issuing the permit shall be maintained at the site during the progress of the work. To obtain inspections, a permit holder shall notify the Department of Public Works at least two (2) working days before the following:

1. Start of construction.
2. Installation of sediment and erosion measures.
3. Completion of site clearing.
4. Completion of rough grading.
5. Completion of final grading.
6. Close of the construction season.
7. Completion of final landscaping.

*Exception:* Inspections conducted by the Department of Highways and Traffic related to construction and maintenance of County highways and roadways.

*407.1010 Extra Inspections:* In addition to the inspections otherwise required, the Department of Public Works is authorized to perform and charge fees for extra inspections or reinspections which in their judgment are reasonably necessary due to non-compliance with the requirements of this code or work not ready or accessible for inspection when requested.

*407.1020 Permit Holder Inspection and Report Responsibilities--Major Land Disturbances:* The holder of a major land disturbance permit or his/her agent shall cause regular inspections of land disturbance sites, including all erosion and sediment and other pollutant control measures, outfalls and off-site receiving waters in accordance with the inspection schedule outlined in the approved Storm Water Pollution Prevention Plan (SWPPP). Inspections must be scheduled at least once per week and no later than seventy-two (72) hours after heavy rain. The purpose of such inspections will be to ensure proper installation, operation and maintenance of Best Management Practices (BMP) and to determine the overall effectiveness of the Storm Water Pollution Prevention Plan (SWPPP) and the need for additional control measures. All inspections shall be documented in written form on weekly reports with copies submitted to the

Department of Public Works at the time interval specified in the permit. Permit holder inspection reports must include the following minimum information:

1. Inspector's name and signature;
2. Date of inspection;
3. Observations relative to the effectiveness of the Best Management Practices (BMPs);
4. Actions taken or necessary to correct deficiencies; and
5. A listing of areas where land disturbance operations have permanently or temporarily stopped.

The permit holder shall notify the site contractor(s) responsible for any deficiencies identified so that deficiencies can be corrected within seven (7) calendar days of the weekly inspection report.

*407.1030 Verification of Permit Holder's Reports:* The Department of Public Works may make extra inspections as deemed necessary to ensure the validity of the reports filed under this code or to otherwise ensure proper installation, operation and maintenance of storm water Best Management Practices (BMP) and to determine the overall effectiveness of the Storm Water Pollution Prevention Plan (SWPPP) and the need for additional control measures.

## **CHAPTER 408: RENEWABLE ENERGY SYSTEMS**

Renewable Energy Systems are accessory uses which include Solar Energy Systems and Wind Energy Systems that provide supplemental energy to residential, non-residential, and mixed-use buildings.

### SECTION 408.100: PURPOSE STATEMENT

The purpose of this Section is to provide standards for the installation and use of Renewable Energy Systems as accessory uses within the Village of Wardsville. This Section seeks to protect properties from incompatible uses in the interest of property values, public health and the welfare of the community while promoting the use of alternative energy sources, where appropriate. This Section provides a process to facilitate the use of these systems in a manner that minimizes adverse impacts and the potential for nuisance.

### SECTION 408.200: ACCESSORY USE

Renewable Energy Systems shall be considered as an accessory use subject to the provisions of this Section. Solar Energy Systems and Wind Energy Systems are a conditional accessory use and shall be considered an accessory structure in all zoning districts subject to the approval of a Conditional Use Permit.

### SECTION 408.300: REQUIREMENTS

The requirements set forth in this Section shall govern the construction and/or installation of all Renewable Energy Systems:

1. Solar Energy Systems, General

a. Solar Energy Collectors shall be located in the least visible location from perspectives outside the property lines where panels would be reasonably, though not necessarily optimally, functional.

b. Solar Energy Collectors shall be documented by the manufacturer as being non-reflective pursuant to recognized engineering standards showing reflectivity of less than 30 percent or shall be placed such that concentrated sunlight or glare shall not be directed onto nearby properties or streets.

c. Solar energy equipment must comply with all setback and lot coverage requirements for the zoning district in which the property is located.

d. Building-integrated Solar Energy Systems shall be allowed regardless of visibility, provided the building-integrated system meets all required setback, height and land use requirements for the district in which the building is located and is approved by the Planning and Zoning Committee.

2. Solar Energy Systems, Residential

a. Ground-mounted Solar Energy Systems:

(i) Ground-mounted Solar Energy Systems shall only be located in the side or rear yard of a property.

(ii) Ground-mounted Solar Energy Systems and supporting structures may not exceed a total height of 10 feet as measured from the average grade at the base of the supporting structure to the highest edge of the system.

(iii) Ground-mounted Solar Energy Systems must be substantially screened from public view (including adjacent properties and public rights-of-way) by fencing walls, plantings, or other architectural feature or any combination thereof; provided, however, that the screening shall not be required to be so dense, so tall, or so located as to render the equipment essentially non-functional.

b. Building-mounted Solar Energy Systems:

(i) Building-mounted Solar Energy Collectors installed in residential zoning districts shall be: (a) installed in the plane of the roof (flush mounted); or (b) made part of the roof design (capping or framing compatible with the color of the roof or structure); or (c) Building-integrated system. Mounting brackets shall be permitted to be placed parallel on the slope of a rear facing roof if the applicant can demonstrate that the existing pitch of the roof would render the solar energy equipment ineffective or incapable of reasonable operation.

(ii) When located on a sloped roof, Solar Energy Collectors shall be located on a rear or side facing roof, as viewed from a fronting street. In cases of corner lots or lots with more than one (1) street frontage the side roof fronting a street shall be considered a front facing roof.

(iii) Solar Energy Systems shall not project vertically above the peak of a sloped roof to which it is attached.

(iv) When located on a sloped roof, Solar Energy Collectors shall be positioned in a symmetrical fashion and centered on the plane of the roof on which they are located.

(v) When located on a sloped roof, Solar Energy Collectors shall be set back at least two (2) feet from any outside edge, ridge, or valley of the roof.

(vi) Solar Energy Collectors installed on a flat roof must be screened by the use of a parapet or other architectural feature to screen the view from the street or from ground level on adjoining properties.

(vii) All exterior electrical or plumbing lines must be painted in a color scheme that matches as closely as possible the color of the structure and the materials adjacent to the lines when visible from the street.

3. Solar Energy Systems, Non-residential

a. Ground-mounted Solar Energy Systems

(i) Ground-mounted Solar Energy Systems shall only be located in the side or rear yard of a property.

(ii) Ground-mounted Solar Energy Systems and supporting structures may not, in total, exceed the accessory structure height limitations for the zoning district in which the property is located. In commercial districts with no such requirement, a maximum height of 20 feet is hereby established. Height shall be measured from average grade at the base of the supporting structure to the highest edge of the system.

(iii) Ground-mounted Solar Energy Systems must be substantially screened from public view (including adjacent properties and public rights-of-way) by fencing, walls, plantings or other architectural feature or any combination thereof; provided, however, that screening shall not be required to be so dense, so tall or so located as to render the equipment essentially non-functional.

b. Building-mounted Solar Energy Systems

(i) Building-mounted Solar Energy Systems installed in commercial zoning districts shall be installed (a) in the plane of the roof (flush mounted); or (b) made part of the roof design (capping or framing compatible with the color of the roof or structure) or (c) a building integrated system. Mounting brackets shall be permitted if the applicant can demonstrate that the existing pitch of the roof would render the solar energy equipment ineffective or incapable of reasonable operation.

(ii) When located on a sloped roof, Solar Energy Collectors shall be located on a rear or side facing roof, as viewed from a fronting street. In cases of corner lots or lots with more than one (1) street frontage, the side roof fronting a street shall be considered a front facing roof.

(iii) Solar Energy Systems shall not project vertically above the peak of a sloped roof to which it is attached.

(iv) When located on a sloped roof, Solar Energy Collectors shall be setback at least two (2) feet from any outside edge, ridge, or valley of the roof.

(v) Solar Energy Collectors installed on a flat roof may exceed the height of the building up to five (5) feet.

(vi) All exterior electrical or plumbing lines must be painted in a color scheme that matches as closely as possible the color of the structure and the materials adjacent to the lines when visible from the street.

#### 4. Wind Energy System, General

a. Wind Energy Systems are permitted on any non-residentially-zoned property, except that Building-integrated or Roof-mounted Wind Energy Systems are permitted for schools, universities, parks and other institutional uses located within a residential zoning district on a property containing at least five (5) acres subject to the requirements of this Section.

b. Ground-mounted Wind Energy Systems affixed to a monopole tower are permitted only in the Commercial zoning districts and shall be subject to Site Plan Review pursuant to this Chapter.

c. Noise shall not exceed Village of Wardsville noise ordinance standards as applicable to the building type. The applicant shall provide noise rating information at time of application.

d. A Wind Energy System shall not be located in the front yard of property in any zoning district or affixed to the side of a structure facing the frontage.

e. No more than one (1) Ground-mounted Wind Energy Systems may be installed on any commercially-zoned property. Building-integrated or Roof-mounted Wind Energy Systems shall not be subject to these limitations.

f. Wind Energy Systems shall be painted a neutral color so as to blend into the surroundings and shall not be bright, reflective or metallic. Illumination of Wind Energy Systems shall be prohibited, except as may be required by any state or Federal agency of competent jurisdiction. No commercial signage or attention-getting device shall be permitted, except regulatory signage required by any local, state or Federal agency of competent jurisdiction.

g. Height: Ground-mounted Wind Energy Systems and their supporting structures are limited to a combined maximum height of one hundred (100) feet (tower mounted). Roof-mounted Wind Energy Systems shall not exceed a height of ten (10) feet above the peak roof height, except as modified through a Planned Unit Development or Special Development District procedure.

h. Setbacks: Wind Energy Systems must meet the principal use and accessory structure setback requirements of the district in which they are located if mounted directly on a roof or other elevated surface of a structure. If the Wind Energy System is attached

to a free-standing tower, the setback from all property lines shall be a minimum of fifteen (15) feet. The setback shall be measured from the furthest outward extension of all moving parts.

#### SECTION 408.400: PROCEDURE FOR REVIEW

All applications for Renewable Energy System shall require the issuance of a Conditional Use Permit.

#### SECTION 408.500: BUILDING PERMITS REQUIRED

A building permit issued by the County of Cole is required prior to the installation of any renewable energy system. The owner of a Renewable Energy System shall ensure that it is installed and maintained in compliance with the applicable building, fire and safety codes adopted by the County and any other state or Federal agency of competent jurisdiction. All wiring associated with a Renewable Energy System shall be underground or contained within a raceway that complements the building materials of the principal structure.

#### SECTION 408.600: ABANDONMENT

Any Renewable Energy Systems that are noticeably in disrepair for a period exceeding six (6) months without repair or restoration procedures substantially underway shall be removed from the property and the structure and/or site restored.

#### SECTION 408.700: ALTERNATIVE COMPLIANCE

In unusual circumstances arising from the unique location or character of the proposed site and/or surrounding land uses or structures, if site-specific alternative standards would provide results that are equal to or superior to those which would be provided by the standards in this Section, the Board of Trustees may approve an applicant's request for alternative standards if in the body's judgment and purpose of these regulations will be satisfied and the alternative standards will have no adverse impact on any other property or unreasonable disturb the peaceful occupancy of adjoining or nearby property.

1. Procedure. An application for alternative compliance standards shall be prepared and submitted to the Board of Trustees. The proposed alternative standards shall clearly identify and discuss the modifications and alternatives proposed and the ways in which the plan will better accomplish the intent of these design standards than would an approach which complies with these design standards. Nothing shall prevent the Board of Trustees from seeking input from the Planning and Zoning Committee and/or Public Works Committee upon receipt of such a request.
  
2. Review criteria. To approve an alternative approach, the Board of Trustees must find that the proposed alternative approach accomplishes the intent of these standards equally well or better than would an approach which complies with these standards and the alternative standards will

have no adverse impact on any other property or unreasonably disturb the peaceful occupancy of adjoining or nearby property.

## **CHAPTER 410: SIGN REGULATIONS**

### **SECTION 410.010: INTENT AND PURPOSE**

The regulation and control of signs in the Village of Wardsville is intended to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and non-discriminatory standards and requirements of sign size, location, erection, number and maintenance. These regulations are specifically designed to allow for the conduct of commerce, to protect the public from the dangers of unsafe signs, to identify places of residence, and to provide for a desirable and attractive living environment for the Village of Wardsville.

### **SECTION 410.020: DEFINITIONS**

As used in this Chapter, the following terms shall have these prescribed meanings:

*BOARD OF ADJUSTMENT:* The Board of Adjustment of the Village.

*BOARD OF TRUSTEES:* The Board of Trustees of the Village.

*BUILDING CODES:* The duly adopted Building Code of the Village as set forth in Section 500.010 of the Municipal Code of the Village of Wardsville, Missouri.

*ERECT:* To build, construct, attach, hang, rehang, place, affix or relocate, including the painting and repainting of permanent window signs.

*FLAG:* Any fabric, bunting, banner, streamer or pennant containing distinctive colors, patterns, symbols or message which is made of flexible materials and designed to move with the wind.

*FRONTAGE:* The length of the lot along the street side. The front of a lot bordering more than one (1) street is considered separate for each street.

*HEIGHT:* Unless otherwise specified in this Chapter, the vertical distance above the average ground level of the original, undisturbed grade at the sign supports measured to the highest point of the sign.

*PLANNING AND ZONING COMMISSION:* The Planning and Zoning Commission of the Village.

*PREMISES:* That portion of a lot or building occupied by a single occupant, exclusive of common area, if any, shared with adjacent occupants.

*PRINCIPAL BUILDING:* A building or, where the context so indicates, a group of buildings in or on which is conducted the principal use of the lot on which such building is located.

*PRINCIPAL USE:* The primary use of land or buildings, as distinguished from an accessory or incidental use.

*SIGN:* Any device, fixture, placard, flag or structure that uses any color, form, graphic, illumination, symbol or writing to communicate information of any kind to the public and including any sign structure, sign supports, lighting system and any attachments, ornaments or appurtenances.

*SIGN, ANIMATED:* A sign which involves motion or rotation of any part by mechanical or artificial means or which displays flashing or intermittent lights.

*SIGN AREA:* The area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing the sign area, only one (1) side of back-to-back signs covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty-five degrees (45°). In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

*SIGN, ATTACHED:* A wall sign or projecting sign attached to a building wall or the generally vertical plane of a mansard type roof.

*SIGN, BANNER:* A commercial display on a temporary basis, advertising a product, service or employment opportunity.

*SIGN, BILLBOARD:* A sign which directs the attention to a business, commodity, service or entertainment not necessarily sold or offered upon the premises where such sign is located or to which it is attached or any other outdoor advertising subject to regulation pursuant to Sections 226.500 through 226.600 and Section 71.288, RSMo., 1994, as amended.

*SIGN, CONSTRUCTION:* A temporary sign used during construction of new buildings or reconstruction of or additions to existing buildings, such as those identifying the project and denoting the owner, architect, engineer, contractor and/or financing institutions of the project.

*SIGN, DIRECTIONAL:* A sign which is limited to indicating a direction for vehicular or pedestrian traffic or other movement.

*SIGN FACING OR SURFACE:* Any surface of a sign upon, against or through which the advertising message is displayed or illustrated, including structural trim, which displays or upon which is displayed any color, message, name or symbol of any kind for the purpose of advertising, announcing, directing or attracting attention from persons located outside of a building and which can be seen from a single location on an adjacent street provided that the ends, or thickness, of a sign shall not be counted as a separate sign face unless an advertising message is conveyed thereon.

*SIGN, FLASHING:* An illuminated sign on which artificial or reflected light is not steady or on which colors change.

*SIGN, FLOODLIGHTED:* A sign made legible in the absence of daylight by devices which reflect or project light upon it.

*SIGN, FLUTTERING:* A sign which flutters or is made of flexible materials which moves with the wind or by some other artificial means, including, but not limited to pennants, banners, balloons, whirlygigs, streamers and flags other than governmental and trademark flags as defined elsewhere in this Section.

*SIGN, GROUND:* A sign supported by a fixed permanent frame of support in the ground.

*SIGN, ILLUMINATED:* Any sign which is illuminated by light sources mounted on or in the sign or at some other location.

*SIGN, MESSAGE BALLOON:* A replica of a hot air balloon with a message attached.

*SIGN, MOVING:* A sign, all or any part of which moves or is so designed or constructed as to facilitate movement of all or any portion thereof by means of any mechanical, electric, pneumatic, hydraulic or other natural or artificial force.

*SIGN, PERMANENT:* A sign firmly attached to the ground, wall or other portion of a building and not designed or intended to be readily removed or relocated.

*SIGN, PERSONAL:* A sign which has a purpose secondary or incidental to the principal use of the lot on which the sign is located such as "no parking", "no trespassing", "loading only", "entrance" and similar and including identification information such as house or building numbers typically used by postal services and public safety officials to locate properties.

*SIGN, POLE:* Any detached sign located on the same lot or parcel as the use it advertises which is supported by one (1) or more stationary poles longer than two (2) feet above the mean grade line of the ground at its base provided that this shall not include a permitted ground sign as set forth herein.

*SIGN, POLITICAL:* A temporary sign advocating or opposing any political proposition or candidate for public office.

*SIGN, PORTABLE:* A sign that is not permanently affixed to a building, structure or ground, and that may be readily moved or relocated. This includes signs placed on trucks, trailers or other transportable devices.

*SIGN, PROJECTING:* A sign attached to a building or other structure and extending in whole or in part more than eighteen (18) inches beyond any wall of the building or structure.

*SIGN, REAL ESTATE:* A sign pertaining to the prospective rental, lease or sale of property.

*SIGN, ROOF:* A sign erected partly or wholly on or over the roof of a building but not including ground signs that rest on or overlap a roof twelve (12) inches or less.

*SIGN STRUCTURE:* The sign and all parts associated with its construction.

*SIGN SUPPORTS:* All structures by which a sign is held up, including, for example, poles, braces, guys and anchors.

*SIGN, TEMPORARY:* Any sign that is not permanently mounted or affixed and constructed of non-durable materials and is designed or intended to be displayed for a period of limited duration.

*SIGN, WALL:* A sign erected or attached against the wall of any building with the plane of the face parallel to the plane of the wall below the roof line.

*SIGN, WINDOW, PERMANENT:* A sign that is permanently affixed to either side of the glass of an exterior door or window, or suspended in anyway within eighteen (18) inches of a window allowing advertising to project outward.

*SIGN, WINDOW, TEMPORARY:* A temporary sign affixed to the inside of an exterior window or glass door.

*SIGN, YARD:* Any temporary sign that is located in a front yard of a lot located in an "A" Single-Family Residence District or a "B" Single-Family Attached Residence District.

**SECTION 410.030: SIGNS PERMITTED IN ZONE "A" AND "B" RESIDENTIAL DISTRICTS**

Subject to limitations hereinafter set forth, only the following types of signs shall be permitted in Zone "A" Single-Family Residential Dwelling District and Zone "B" Single-Family Attached Dwelling District in accordance with the regulations hereinafter prescribed. Regulations pertaining to size, height and number represent maximums allowed.

| Type | Regulations |
|------|-------------|
|------|-------------|

| <b>A. Permanent</b>       |              |  |
|---------------------------|--------------|--|
| 1. <i>Identification*</i> | Information: | Name of subdivision, church, government, school, institution, etc.   |
|                           | Size:        | 24 square feet.  |
|                           | Height:      | 6 ft. for ground mount, 10 ft. for wall mount.   |
|                           | Number:      | 1 per lot frontage.  |
|                           | Location:    | Wall mount or ground mount not less than 10 ft. from curb line.  |
|                           | Colors:      | Not more than 3.   |
|                           | Special:     | Ground mount must have plantings within 3 ft. of base and no more than 2 ft. of supporting poles visible.  |
| 2. <i>Directional*</i>    | Information: | Entrance, Exit, One Way, Loading, Handicapped, etc.  |
|                           | Size:        | 6 square feet  |
|                           | Height:      | 3½ ft. for ground mount, 6 ft. for wall mount.   |
|                           | Number:      | 2 per entrance.  |
|                           | Location:    | Ground or wall mount.  |
|                           | Colors:      | Not more than 3.   |
|                           | Special:     | <p>a) Ground type must have address attached thereto when adjacent to street.</p> <p>b) Can be used only for churches, schools, government buildings, and institutions.</p> <p>c) Logos allowed only if no more than 25% of total sign area.</p> |
| 3. <i>Flag</i>            | Information: | Governmental or ornamental flags.  |
|                           | Size:        | Maximum 5 ft. by 8 ft. (each) for governmental or 3 ft. by 5 ft. (each) for ornamental.  |
|                           | Height:      | 25 ft.   |

|                            |              |  |
|----------------------------|--------------|--|
|                            | Number:      | 3 flags per pole.  |
|                            | Location:    | At least 10 ft. from curb line.  |
|                            | Colors:      | No limit.  |
|                            | Special:     | 1 pole per lot.  |
| 4. <i>Informational</i>    | Information: | No Trespassing, Private, Keep Out, Beware of Dog, etc.                   |
|                            | Size:        | 2 sq. ft.  |
|                            | Height:      | 3½ ft. for ground, fence mount, 6 ft. for wall mount.                    |
|                            | Number:      | 4 per lot, but not more than 1 per lot side.                             |
|                            | Location:    | Ground, wall or fence mount.   |
|                            | Colors:      | Not more than 3.   |
| <b>B. <i>Temporary</i></b> |              |  |
| 1. <i>Real Estate</i>      | Information: | For Sale, Rent, Lease.   |
|                            | Size:        | 6 sq. ft. for single lot, 24 sq. ft. for subdivisions.                   |
|                            | Height:      | 3½ ft. for a single lot, 7 ft. for subdivisions.                         |
|                            | Number:      | 1 per street frontage.   |
|                            | Location:    | Not less than 10 ft. from curb line.                                     |
|                            | Colors:      | Not more than 3.   |
|                            | Special:     | None.  |
| 2. <i>Construction</i>     | Information: | Contractor, architect, engineer, or financier's name, address and phone. |
|                            | Size:        | 6 sq. ft.  |
|                            | Height:      | 3½ ft.   |
|                            | Number:      | 1 per street frontage.   |
|                            | Location:    | Not less than 10 ft. away from curb line.                                |

|                            |              |  |
|----------------------------|--------------|--|
|                            | Colors:      | Not more than 3.   |
| 3. <i>Political</i>        | Information: | Candidate or issue to support or oppose.   |
|                            | Size:        | 6 sq. ft.  |
|                            | Height:      | 3½ ft.   |
|                            | Number:      | 2 per lot.   |
|                            | Location:    | Ground mount on private property.  |
|                            | Colors:      | Not more than 3.   |
|                            | Special:     | Posted only for 30 days.   |
| 4. <i>Special display</i>  | Information: | Special event for church, school, government, institution, or not-for-profit agency, garage sale, etc. |
|                            | Size:        | 6 sq. ft.  |
|                            | Height:      | 3½ ft.   |
|                            | Number:      | 2  |
|                            | Location:    | Ground mount not less than 10 ft. away from curb line.   |
|                            | Colors:      | Not more than 3.   |
|                            | Special:     | a) Maximum display time 15 days.<br>b) No more than 1 display every 90 days.                           |
| * Denotes Permit Required. |              |  |

**SECTION 410.040: SIGNS PROHIBITED IN ZONE "A" AND "B" RESIDENTIAL DISTRICTS**

Except as may be otherwise prescribed by ordinance, the following signs shall be prohibited in residential districts:

1. Advertising.
2. Banners.

3. Billboards.
4. Flashing lights or those that appear to move (except seasonal holiday decorations).
5. Moving signs.
6. Roof signs.
7. Signs on public street right-of-way (other than public notices).
8. Signs that are in disrepair or hazardous.
9. Signs having more than two (2) faces or two (2) sides.
10. Projecting.
11. Signs directly painted on any wall or any wall of any structure.
12. Signs in excess of one (1) square foot drawing attention to or advertising a "Home Occupation".
13. Signs erected at the intersection of streets so as to obstruct free and clear vision, or located within the direct line of vision of any traffic control sign or signal, signs having red, green or amber illumination which may be confused with or construed as a traffic control device.

**SECTION 410.050: SIGNS PERMITTED IN "C" PLANNED SHOPPING CENTER DISTRICTS**

A. Subject to Master Common Signage Plan provisions set forth in Subsection (B) of this Section, the following types of signs shall be permitted in a "C" Planned Shopping Center District. Regulations pertaining to size, height and number shall represent the maximums allowed per lot or premises, as applicable.

| Type  | Regulations |   |
|---|-------------|---|
| <b><i>Permanent Signs (permit required)</i></b> |             |   |
| <i>Wall Sign</i>                                | Size:       | Five percent (5%) of the area of the wall to which attached, no instance greater than one hundred fifty (150) square feet   |
|   | Height:     | Bottom of sign shall be at least eight (8) feet above the finished grade if travel underneath the sign is intended and in no instance greater than thirty-five (35) feet in height. |

|                       |             |  |
|-----------------------|-------------|--|
|                       | Number:     | Not more than one (1) per main entrance of a principal building or premises.   |
|                       | Location:   | Sign shall face a street or be located above main entrance.  |
|                       | Projection: | Sign shall not extend or project more than two (2) feet above the roof line nor more than eighteen (18) inches from the wall to which mounted or affixed.  |
|                       | Colors:     | Not more than three (3); white letters only when illuminated.  |
| b. <i>Ground Sign</i> | Size:       | Thirty (30) square feet for lots of three (3) acres or less; fifty (50) square feet for lots greater than three (3) but less than ten (10) acres; one hundred (100) square feet for lots of ten (10) acres or greater. |
|                       | Height:     | Top of sign shall not exceed four (4) feet in height and not more than two (2) feet of sign support shall be visible.  |
|                       | Number:     | Not more than one (1) per lot.   |
|                       | Location:   | Minimum three (3) feet behind a curb line.   |
|                       | Projection: | Not more than two (2) feet of the sign support shall be visible above finished grade.  |
|                       | Colors:     | Not more than three (3); white letters on black background or black letters on white background when illuminated.  |
|                       | Special:    | Areas within three (3) feet of sign supports or foundation shall be planted and landscaped.  |
| c. <i>Window Sign</i> | Size:       | Not more than four (4) square feet.  |
|                       | Height:     | Not more than ten (10) feet above finish grade.  |
|                       | Number:     | Not more than one (1) per window, three (3) per premises.  |
|                       | Location:   | Each sign shall face a street or be located above a main entrance.   |
|                       | Projection: | None.  |
|                       | Colors:     | Not more than three (3).   |
|                       | Special:    | No electric signs shall be affixed to a door.  |
|                       | Size:       | Not more than six (6) square feet.   |

|   |             |  |
|---|-------------|--|
| d. <i>Directional sign (ground mounted)</i> | Height:     | Not more than three and one-half (3½) feet above finish grade.   |
|   | Number:     | Not more than one (1) per entrance or exit lane.   |
|   | Location:   | Each sign shall be located at least three (3) feet inside the lot line.  |
|   | Projection: | None.  |
|   | Colors:     | Not more than three (3).   |
|   | Special:    | Drive-through operations may additionally have one twelve (12) square foot menu/instruction board per drive through lane, if approved on a development plan or limited development plan. |
| e. <i>Directional sign: (wall-mounted)</i>  | Size:       | Not more than six (6) square feet.   |
|   | Height:     | Not more than ten (10) feet above finish grade.  |
|   | Number:     | Not more than one (1) per drive-up lane.   |
|   | Projection: | Six (6) inches.  |
|   | Colors:     | Not more than three (3).   |
|   | Special:    | Drive-through operations may additionally have one twelve (12) square foot menu/instruction board per drive through lane, if approved on a development plan or limited development plan. |
| <b>2. Temporary Signs (permit required)</b> |             |  |
| a. <i>Flag</i>                              | Size:       | Eight (8) foot by ten (10) foot.   |
|   | Height:     | Not more than thirty-five (35) feet.   |
|   | Number:     | Three (3) poles and three (3) flags per premises.  |
| b. <i>Message balloon</i>                   | Size:       | Twenty-three (23) feet in diameter at the widest point; seven (7) feet in diameter at the base.  |
|   | Height:     | Ten (10) feet minimum; twenty (20) feet maximum above finish grade.  |
|   | Number:     | Not more than one (1) per lot at any time.   |
|   | Location:   | On premises (may be attached to premises roof); sign shall not be located in any right-of-way or parking area.   |

|                       |             |   |
|-----------------------|-------------|---|
|                       | Projection: | Not more than three (3).  |
|                       | Colors:     | Displayed for not more than fifteen (15) days.  |
| <i>c. Yard sign</i>   | Size:       | Twenty-four (24) square feet.   |
|                       | Height:     | Not more than seven (7) feet above finish grade.  |
|                       | Number:     | Not more than two (2) per lot.  |
|                       | Location:   | Minimum ten (10) feet behind a curb line.   |
|                       | Colors:     | Not more than three (3).  |
|                       | Special:    | May be illuminated, if limited to single floodlight; no internal illumination.                                    |
| <i>d. Window sign</i> | Size:       | Not more than twenty-five percent (25%) of window area.   |
|                       | Height:     | Not more than ten (10) feet above finish grade.   |
|                       | Number:     | Not more than one (1) per window.   |
|                       | Location:   | Each sign shall face a street or be located at a main entrance.   |
|                       | Projection: | None.   |
|                       | Colors:     | Not more than three (3).  |
|                       | Special:    | Displayed for not more than thirty (30) days per calendar quarter; constructed of paper or plastic material only. |
| <i>e. Banners</i>     | Size:       | Thirty (30) square feet.  |
|                       | Height:     | Not more than ten (10) feet above grade.  |
|                       | Number:     | One (1).  |
|                       | Location:   | On business premises.   |
|                       | Projection: | None.   |
|                       | Special:    | Limited to one (1) per thirty (30) consecutive day period per calendar quarter.                                   |

B. As an alternative to the regulation and permitting requirements of Subsection (A) above, the owners or developers of two (2) or more contiguous (disregarding intervening streets or rights-of-way) lots or the owners or developers of a single lot with more than one (1) existing or

proposed principal building may submit a master common signage plan as part of a development plan process review and approval for such lot or lots as set forth in Section 400.320 of the Village Zoning Code. The Board of Trustees shall have authority to vary the size, height, number, location, projection and color requirements set forth in Subsection (A) above; provided that nothing in this Subsection (B) shall be deemed to authorize any sign prohibited by Sections 410.070 and 410.080 of the sign regulations; and provided further that the Board of Trustees determines:

1. That the proposed Master Common Signage Plan will result in a visual impression of unity and quality in terms of size, proportion, materials, lettering or graphic style, lighting, location, color and mix of signage types;
2. That the proposed Master Common Signage Plan is consistent with, supportive of and will enhance the associated Development Plan in terms of architectural and design quality; and
3. That the proposed Master Common Signage Plan will have no deleterious impact on surrounding existing uses, signage and architectural quality.

In addition to the sign types permitted under Subsection (A) above, the Board of Trustees, in cases of multi-user or multi-tenant developments for which a Master Common Signage Plan has been submitted and approved as set forth above, shall have the further authority as part of and subject to the Development Plan Process to contemporaneously approve the location of one (1) sign identifying the development or the users or tenants to be located at the development. The size, height, design, colors and materials of such sign shall be as approved by the Board of Trustees consistent with findings and determinations required for approval of the Master Common Signage Plan for the development.

- C. Any Master Common Signage Plan previously approved under Subsection (B) above may be amended subject to and in accordance with Limited Development Plan process provisions set forth in Section 400.320(B) of the Village Zoning Code.

## **SECTION 410.060: BILLBOARD SIGNS**

A. *Additional Definitions.* The definitions of words and phrases contained in Section 226.510, RSMo., 1994, as amended, are hereby adopted and incorporated by reference and shall apply whenever such word or phrase is used within this Section. The phrase "*Missouri Billboards Act*" shall mean Sections 226.500 through 226.600, RSMo., 1994, as amended.

B. *Billboard Signs Permitted By The Missouri Billboards Act.* Billboard signs may be erected within six hundred sixty (660) feet of the nearest right-of-way of any primary highway in any area zoned "C" (commercial) as permitted by the Missouri Billboards Act and subject to the regulations hereinafter set forth:

1. *Lighting.*

a. No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any sign. No flashing, intermittent or moving light or lights will be permitted except scoreboards and other illuminated signs designating public service information, such as time, date, temperature or similar information, will be allowed.

b. External lighting such as floodlights, thin line and gooseneck reflectors are permitted, provided the light source is directed upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of any highway and the lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with a driver's operation of a motor vehicle.

c. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures, any official traffic sign, device or signal, nor shall the illumination be directed toward any residential area.

d. The maximum average lighting intensity level for such sign shall be twenty (20) foot-candle as measured at any point on the surface of such sign.

## 2. *Size of signs.*

a. The maximum area for any one (1) sign shall be four hundred (400) square feet with maximum height of thirty (30) feet and a maximum length of thirty (30) feet, inclusive of border and trim but excluding the base or apron, supports and other structural members. The area shall be measured as established in rules promulgated by the Commission.

b. The maximum size limitations shall apply to each side of a sign structure, and signs may be placed back to back, double-faced or in V-type construction with not more than one (1) display to each facing.

## 3. *Spacing of signs.*

a. No billboard sign shall be erected within one thousand five hundred (1,500) feet of an existing billboard sign on the same side of the highway.

b. No billboard sign shall be erected within one thousand (1,000) feet of an existing freestanding, ground or commercial center identification sign.

c. The spacing between structure provisions of Subsection (3) of this Section do not apply to signs which are separated by buildings, natural surroundings or other obstructions in such a manner that only one (1) sign facing located within such distance is visible at any one time. Directional or other official signs or those advertising the sale or lease of the property on which they are located, or, except as provided in Subsection (3)(b), those which advertise activities on the property on which they are located, including products sold, shall not be counted, nor shall measurements be made from them for the purpose of compliance with spacing provisions.

d. No sign shall be located in such a manner as to obstruct or otherwise physically interfere with the effectiveness of any official traffic sign, signal, or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic.

e. The measurement in this Section shall be minimum distances between sign structures measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply only to billboard sign structures located on the same side of the highway involved.

4. *Setbacks, safety clearances and heights.* In order to provide a safety zone to prevent injury or property damage from collapse of billboard caused by acts of God or other causes, each billboard sign shall have minimum setbacks of the following:

a. At least ninety (90) feet from its nearest edge to the right-of-way of any highway, and

b. At least ninety (90) feet from all property lines and from all roofed structures, from all points of the billboard sign.

In order to further provide a safety zone to prevent injury or property damage from collapse of billboards caused by acts of God or other causes, each billboard sign shall have a maximum height, measured from the ground to the highest point of such billboard sign, of thirty-five (35) feet. In addition, the applicant for permit shall present documentation to the reasonable satisfaction of the Village Administrator that the applicant has secured the legally enforceable right to prevent the erection of structures within the setback zones. No Village building permit shall be issued for construction of any building within the setback/clearance zone for any billboard sign.

5. *Setbacks at highway intersections.* No billboard sign shall be located adjacent to or within one thousand (1,000) feet of any interchange, existing or approved for construction by the Missouri Department of Transportation, intersection at grade, or safety rest area. Said one thousand (1,000) feet shall be measured from the beginning or ending of the pavement widening at the exit from or entrance to the main traveled way.

6. *Setbacks from residential and public activity areas.* No billboard sign shall be located within one thousand (1,000) feet of land zoned for residential or public activity uses. Said one thousand (1,000) feet shall be measured from the nearest property line of any property zoned for residential or public activity uses whether or not said property is within the corporate limits of the Village.

7. *Landscaping, lighting and fencing.* Before a permit is issued, the applicant shall receive approval for a plan for landscaping, billboard lighting and fencing around the proposed billboard sign to ensure that the structure will be aesthetically compatible with its surroundings and the aesthetic standard of the community and neighboring property, insofar as may be practicable, as well as safe and secure from trespassers or vandals. Such plans shall be reviewed and approved by the Planning and Zoning Commission. In determining whether the landscaping plan is

reasonably suitable, the Planning and Zoning Commission shall take into consideration the nature of the location, the impact on surrounding properties, the safety and security of the proposed billboard sign, and the relative cost of the landscaping, lighting and fencing to the applicant in relationship to the overall impact upon the property values in the immediate area which would be caused by a lack of such landscaping, lighting and fencing for the proposed billboard sign.

8. *Nuisances.* Any billboard sign which because of lack of maintenance, upkeep, vandalism, accumulation of litter, refuse or debris, or the deterioration of landscaping, lighting or fencing becomes unsightly or unsafe is hereby declared to be a nuisance and shall be subject to abatement by the Village in the same manner as all other nuisances on private property.

9. *Service drives.* Direct access to billboard signs from curb cuts along a State highway or service road shall be prohibited. Direct access shall be gained through paved roads and drives which are private and internal to a lot or parcel. All vehicles, equipment and people used to build, service, maintain and repair such signs must confine their activity so as not to interfere with pedestrian or vehicular traffic on public roads.

10. *Permits.*

a. The Village shall not issue a permit for any new billboard sign without a permit having first been issued by the Missouri Department of Transportation.

b. The Village shall charge a permit fee equal in amount to its building permit fee for other signs or similar structures to assure compliance with the Village wind load and electrical requirements when the sign is first erected, but shall not charge any subsequent permit or inspection fee for such sign.

c. Before a permit is issued, the applicant shall submit the following certification from the appropriate licensed professional regarding the following:

1. Certification from a licensed engineer that the soil and subsoil surface is capable of accepting the projected loads.

2. Certification from an electrical engineer as to the electrical portion of the sign.

3. Certification from a structural engineer as to the structural strength of the sign and certified boundary survey of the site and its setback/clearance zone.

d. Before a permit is issued, the applicant shall submit a sign survey to indicate the relative vertical and horizontal distances between the proposed billboard sign and all other ground and commercial center identification signs within five thousand two hundred eighty (5,280) feet. If by reason of height, size or spacing the proposed sign creates a significant disharmony with pole mounted signs within one thousand (1,000) feet or unreasonably detracts

from the visibility of other neighboring signs or properties, the Village Administrator may require reasonable modification of the sign's dimensions to cure such deficiencies as a condition to granting a permit.

11. *Annual inspection.* Owners of all billboard signs erected after this date (January 7, 1998) shall be required to submit an inspection report from a Missouri licensed engineer as to the structural integrity of the sign(s). Such certification shall be done on or before June first (1st) of each year. Failure to submit a report shall result in the immediate revocation of the sign's permit.

**SECTION 410.070: SIGNS PROHIBITED IN ZONE "C" PLANNED SHOPPING CENTER DISTRICT OR COMMERCIAL DISTRICTS**

Except as may be otherwise prescribed by ordinance, the following signs shall be prohibited in Planned Shopping Center Districts or Commercial Districts:

1. Fluttering devices such as pennants, whirligigs, balloons, inflated devices, etc.
2. Flashing or intermittent lights, strings of light, or those that appear to move (except seasonal holiday decorations).
3. Moving signs.
4. Roof signs.
5. Signs on public street right-of-way (other than public notices).
6. Signs that are in disrepair or hazardous.
7. Signs that advertise an activity, business, product or service not conducted on the premises upon which the sign is located.
8. Signs erected at the intersection of streets so as to obstruct free and clear vision, or located within the direct line of vision of any traffic control sign or signal, signs having red, green or amber illumination which may be confused with or construed as a traffic control device.
9. Signs directly painted on any wall or any wall of any structure.

**SECTION 410.080: PORTABLE SIGNS IN ZONE "C" PLANNED SHOPPING CENTER DISTRICT OR COMMERCIAL DISTRICTS**

A. Portable signs may not be placed upon any lot, building or structure or any portion thereof in any planned shopping center district or commercial district in the Village of Wardsville, Missouri, except that signs which are less than twenty-four (24) inches in

horizontal or vertical distance and are permanently painted on motor vehicles shall not be prohibited.

B. Signs in excess of twenty-four (24) inches measured either horizontally or vertically permanently attached or adhered in any manner to any motor vehicle or construction trailer may not be displayed in any planned shopping center district or commercial district in the Village of Wardsville except under the following conditions:

1. During the course of travel upon any roadway;

2. While the device to which it is attached or by which it is being moved is stopped or parked for the purpose of loading or unloading persons or materials, but only for so long as is reasonably required to achieve such loading or unloading;

3. During construction, reconstruction or remodeling of any property or premises for which a building permit has been lawfully issued construction equipment, storage trailers, offices and other mobile devices displaying signs may be located on or adjacent to the property on which the work is being performed provided:

a. Such equipment is located in an area designated by the Zoning Enforcement Officer after consideration of traffic patterns and line-of-sight requirements for nearby traffic; and

b. Such equipment may be so located only during and within thirty (30) days before the actual construction work reflected on the building permit relating to the premises.

#### **SECTION 410.090: MAINTENANCE AND SAFETY**

A. All signs shall be maintained in good repair so as to prevent rust, peeling, flaking or fading. Broken panels, missing letters, flaking or peeling paint, delamination of wood, malfunctioning lights, and other visual damage to a sign shall be repaired within forty-five (45) days of the occurrence or within thirty (30) days of notification by notification from the Zoning Enforcement Officer either by United States Postal Service or posting such notice upon the premises or the sign.

B. Any sign and its supporting frame, which advertises a business no longer conducted or a product no longer sold on the premises or lot, shall be removed by the owner, agent or person having beneficial use of the premises or lot upon which the sign is erected within thirty (30) days after the business or product is no longer present.

C. Any sign which is structurally unsafe or hazardous or endanger a building or premises, pedestrian or vehicular traffic (including but not limited to being hazardous by reason of obstruction of walkways or fire access or exit lanes, by restricting site distances or being located in such close proximity to travel lanes or parking areas that it may be struck by maneuvering vehicles) shall be relocated, removed or otherwise protected within fifteen (15) days of notification that such danger or nuisance exists by notification from the Zoning

Enforcement Officer either by United States Postal Service or posting such notice upon the premises or the sign.

#### **SECTION 410.100: NON-CONFORMING SIGNS**

Any sign existing on the effective date of this Chapter or the effective date of any amendment hereto shall be exempt from the provisions of this Chapter, according to the following:

1. Existing permanent signs in residential districts shall not be affected by these regulations except that should said signs be removed, replaced or substantially altered they shall be brought into conformity with this Chapter.

2. *Permanent signs in commercial districts.*

a. Any permanent sign in commercial districts for which legal permits have been issued which are larger than allowed, or which do not conform to color requirements, or are of a type not allowed or improperly located as required by these regulations, shall be brought into compliance within ten (10) years (10-20-2009).

b. The provisions of Subparagraph (a) above notwithstanding, pole signs possessing permits but no longer authorized by these regulations shall be allowed to remain in place until a change in the ownership or business holding the permits or until they are damaged or altered by more than forty percent (40%), whichever shall first occur.

3. Any permanent sign in planned shopping center districts or commercial districts which do not conform to the color requirements shall be allowed to remain until such time as they are removed, replaced, damaged or altered by more than forty percent (40%) but in no case longer than ten (10) years.

4. Any permanent window signs in planned shopping center districts or commercial districts for which permits were not issued must be brought into compliance within ninety (90) days.

5. Existing temporary signs shall have thirty (30) days after the effective date of this Chapter or the effective date of any amendment hereto be brought into compliance.

6. Notwithstanding any other provisions hereof to the contrary, any condominium complex in excess of seventy-five (75) units and any church with a square footage in the main sanctuary of twenty-three thousand (23,000) square feet or more shall be allowed to erect a sign which exceeds these provisions by one hundred percent (100%).

#### **SECTION 410.110: DESIGN AND ILLUMINATION**

- A. All signs erected in Zone "C" Planned Shopping Center District or Commercial Districts shall be located and designed so as to create a visual impression of unity in terms of size, material, color, method of construction, etc. Earth tone color (i.e. shades of tan or brown) and similar lettering size and style shall be utilized in keeping with existing quality development within a given shopping center.
- B. No sign shall be erected or maintained so that its position, shape, wording, device or color might interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or warning device.
- C. Reserved.
- D. No sign shall make use of any profane language or other words offensive to persons of reasonable sensitivity.
- E. Permanent signs in residential areas shall be restricted to three (3) colors (black, white and one (1) other color). Wood stains of earth tone types shall not be considered as colors.
- F. All signs shall be constructed and erected in accordance with the Building Codes for the Village of Wardsville.
- G. Reserved.
- H. All sign illumination shall be oriented to prevent undue glare onto adjacent streets or residential properties. The illumination of any sign located within fifty (50) feet of a residential zone lot line shall be diffused or indirect and designed so as not to reflect direct rays of light onto adjacent residential districts. Illumination of all signs shall be so arranged that there will be no direct rays of light reflected into any public way. No business sign may be erected within fifty (50) feet of any residential district without prior written approval of the Board of Trustees.
- I. All electrical illumination devices shall be designed to be weather resistant and shatterproof.
- J. All sign faces that are backlit shall be considered to be a portion of the sign for purposes of computing the allowable sign area.

**SECTION 410.120: PERMITS AND LICENSE FEES**

A. *Permits Required.* Unless otherwise provided in these regulations, it shall be unlawful for any person, partnership, corporation, agent or employee thereof to erect, repair, paint, replace, alter, relocate or otherwise change, other than normal maintenance, within the Village of Wardsville any sign as defined in this Chapter without first obtaining approval and a permit from the Village of Wardsville and making payment of the fee as herein required. Before any permit is granted for the erection of a sign or outdoor display, structure,

four (4) sets of final plans and specifications shall be filed with the Village of Wardsville showing the location of the proposed sign and the dimensions, materials and required details of construction, including calculated dimensions approved by an engineer registered in the State of Missouri if required by the Zoning Enforcement Officer in the interest of public safety. If the work authorized under a permit is not completed within six (6) months after such permit was authorized, it shall become null and void.

B. Reserved.

C. *Permit Fees.* Every applicant before being granted a permit shall pay to the Village Clerk the permit fees for such sign or other advertising structure regulated by this Chapter as indicated below:

|                                   |          |
|-----------------------------------|----------|
| Signs up to 25 square feet        | \$ 5.00  |
| Signs from 25 to 100 square feet  | \$ 10.00 |
| Signs from 100 to 200 square feet | \$ 15.00 |
| Signs from 200 to 250 square feet | \$ 20.00 |

**SECTION 410.130: EXEMPTIONS**

The following signs are exempt from the provisions of this Chapter:

1. The Village of Wardsville, Cole County, the State of Missouri and any political subdivision thereof together with any agency of any of the foregoing; and
2. Personal signs not larger than one (1) square foot in area.

**SECTION 410.135: AMENDMENTS**

The Board of Trustees may from time to time, on its own motion or on petition of the Planning and Zoning Commission or any person having an interest in the property involved, amend, supplement, change, modify or repeal by ordinance the regulations herein or subsequently established. Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the Planning and Zoning Commission for its recommendation and report. If the Planning and Zoning Commission makes no report within forty-five (45) days, it shall be considered to have made a report approving the proposed amendment, supplement, modification or change. Upon receipt of the report by the Planning and Zoning Commission, the Board of Trustees shall hold a public hearing, fifteen (15) days' notice of the time and place of which shall have been given by publication in a newspaper having general circulation within the Village. In

case of written protest against any proposed amendment, supplement, change, modification or repeal signed and acknowledged by the owners of thirty percent (30%) or more, either of the area of the land (exclusive of streets and places) included in such proposed amendment, supplement, change, modification or repeal 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, is received by the Board of Trustees, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all members of the Board of Trustees.

**SECTION 410.138: APPEALS**

The Board of Adjustment shall have the power and duty to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Chapter. Procedures for appeal shall be as set forth in Sections 400.540 and 400.550 of the Zoning Code.

**SECTION 410.140: SEVERABILITY**

If any Section, sentence, clause or phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Chapter.

**SECTION 410.150: PENALTY**

In addition to or in lieu of those general penalty provisions contained in Section 400.470 of this Title IV, any person found to have violated the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined on a graduated basis, as follows: twenty-five dollars (\$25.00) for a first (1st) offense; one hundred dollars (\$100.00) for a second (2nd) offense; five hundred dollars (\$500.00) for a third (3rd) or subsequent offenses.

## **ARTICLE VIII. STORMWATER MANAGEMENT**

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1. It is deemed by the Board of Trustees of the Village of Wardsville, Missouri to be in the best interest of the health, safety and welfare of the citizens of said Village for all new construction and development to address stormwater management.

2. The City of Jefferson, Missouri has previously promulgated regulations addressing, in great detail, stormwater management.

3. It is beyond the current fiscal abilities of the Village of Wardsville to engineer, design and promulgate its own specific stormwater management regulations.

4. The Board of Trustees of the Village of Wardsville therefore adopts the following sections of the City of Jefferson, Missouri Code of Regulations, as revised December 31, 2001: Sections 31-5; 31-6; 31-7; 31-8; 31-11; 31-13; 31-14 (A); 31-15 and 31-16, and all sections relied upon therein. Any references therein to personnel positions not existing within the Village of Wardsville shall be deemed and interpreted to reflect the Village Engineer and/or Public Works Director. All sections are incorporated herein by reference said.

5. All development, construction, and other land disturbances undertaken in the Village of Wardsville for the date of this ordinance forward shall add up stormwater management as contemplated in the sections adopted herein.

6. Any person found guilty of violating the provisions of this ordinance shall, upon conviction, be fined not more than five hundred dollars (\$500.00) and in addition shall pay all costs and expenses incurred in bringing any project affected into compliance with the terms hereof. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Wardsville, or other appropriate authority, from taking such other lawful action as is necessary to prevent or remedy any violations.

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## CHAPTER 505: NUISANCES

505.100. Definitions. For the purposes of this Chapter, the following words and terms as used herein are defined to mean the following:

1. “Nuisance” is defined to mean any condition or use of premises or of building exteriors which is detrimental to the health, public welfare of individuals or property of others, or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which the premises are located or which is otherwise a menace to the public health, safety, or welfare;

2. Lumber, junk, trash, or debris;

3. Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers;

4. Any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease-carrying pests, animal or insects, provided that the presence of earthworms in a compost pile shall not constitute a nuisance;

5. Any sewage or septic material unless such material is retained in containers which deny access to humans, flies, insects, rodents and animals;

6. Any uninhabited buildings or structures which are so dilapidated, decayed, or fire damaged as to have become dangerous to the life, safety, health, or welfare of the people of the Village;

7. “Junk” means any old iron, steel, brass, copper, tin, lead, or other base metals; old cordage, ropes, rags, fibers, or fabrics; old rubber; old bottles or other glass, bones; wastepaper and other waste or discarded material which might be prepared to be used again in some form; and any or all of the foregoing; and motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts; interior home furnishings, dilapidated or broken lawn furniture or fixtures, cut or fallen trees or shrubs;

8. “Vehicle” is any machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides, including, but not limited to, automobiles, trucks, trailers, motorcycles, tractors, and wagons, or any part thereof;

9. “Damaged or inoperable vehicle” is any vehicle which is not registered or is improperly registered as defined by the State of Missouri, Department of Revenue, Division of Motor Vehicle, has been inoperable for more than 72 hours, or is in such a state of repair as to

be inoperable, except those on the premises of a duly licensed automobile repairs or sales business;

10. “Registered” means as defined by the State of Missouri, Department of Revenue, Division of Motor Vehicle;

11. “Vehicle Restoration” is any vehicle that is in the active process of restoration such that it will be registerable by the State of Missouri, Department of Revenue, Division of Motor Vehicle.

### **Subchapter B – Regulations**

505.200. Waste water and sewage are nuisance. The discharge of sewage or waste water from any industry, office, building or residence, except into the public sewers or a private treatment system which is in compliance with state law, shall constitute a nuisance.

505.215. Putrid matter, garbage, trash, etc., accumulation. The accumulation or existence upon any premises, lot, or parcel of ground of any putrid or unsound meat, pork, fish, hides, decayed vegetables or food, filthy ash heaps, garbage, offal, rubbish, trash, dirt, any accumulation of dead weeds, grass, or brush, or filth of any kind which, by its decay or putrefaction, could or would become offensive to human beings, or detrimental to health, or which by its existence might harbor bugs, snakes, or rats or other rodents, shall constitute a nuisance.

505.230. Same, throwing into streets, public places or private property. The throwing or depositing, or causing to be deposited, in any street, alley, or other public place or on any private property of any garbage, refuse, filth, debris, offal, the carcass of any animal or part thereof, any filthy water or other offensive matter, or causing or permitting such or any offensive matter to collect or remain in any place to the prejudice or annoyance of others shall constitute a nuisance.

505.235. Pushing or placement of snow into streets. The pushing of snow off of a private drive or property onto a public street or roadway shall constitute a nuisance.

505.245. Damaged or inoperable vehicles are nuisances.  
1. Any damaged or inoperable vehicle, part thereof, or junk located on any property, street, or highway which presents a hazard to children, or harbors tall grass, weeds, or other vegetation, or creates fire hazard, or affords a breeding place or nesting place for mosquitoes, flies, rodents, rats, or other vermin; or any vehicle, part thereof, or junk allowed to remain unmoved on any street or highway for 48 hours, is a public nuisance. No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise shall allow any partially dismantled, wrecked, junked discarded or otherwise non-operating motor vehicle to remain on such property for a longer time than 48 hours and no person shall leave any such vehicle on any property within the city for a longer time than 48 hours. No more than two vehicles offered for sale by a private owner shall be allowed to remain on any property for longer

than fifteen (15) days within a six (6) month period in any zone, unless said person holds the proper licenses to operate a dealership located in the proper zone as authorized by Village Code.

2. No person in charge of or in control of a business enterprise operated in a lawful place, shall allow any partially dismantled, wrecked, junked discarded or otherwise non-operating motor vehicle to remain on such property for a longer time than fourteen days. Subsection 2 applies to business enterprises operated in a lawful place, not in a residential district, and only when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise.

505.260. Vehicles that are not considered damaged or inoperable. Is any vehicle that is in the process of restoration, that is properly secured, does not create a public health or safety hazard, and is located in the rear yard or in the side yard if covered by a weather resistant cover.

505.275. Duty of maintenance of private property. No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

### **Subchapter C – Notice and Abatement of Nuisance**

505.300. Duty to abate on order of Village Board or their duly authorized representative. It shall be the duty of the owner or occupancy of premises, or his agent, or the person causing or maintaining any nuisance thereof, to abate the same after an order by the Village Board or their duly authorized representative in accordance with the terms prescribed in such order.

505.310. Right of entry on premises for inspection. The Village Board or their duly authorized representative is hereby authorized to enter and inspect all premises for the discovery and abatement of nuisance thereon.

505.320. Right of entry on premises to abate nuisances. Any person or contractor employed or contracted with for the abatement of a nuisance and any agent or employee of such contractor shall have the right of entry for that purpose upon any premises, and it shall be unlawful to interfere with any police officer or any officer, agent, or employee of the Village for the purpose of the discovery or abatement of any nuisance.

505.335. Notice. Whenever the Village Board or then duly authorized representative determines that any vehicle or junk is a nuisance as defined herein, he shall cause *one* written notice to be served upon the owner of the vehicle or junk if he can be located, or the person in custody of such vehicle or junk, stating that the nuisance shall be abated within ten (10) days from receipt of such notice or an extension of time permitted at the discretion of the Village Board or their duly authorized representative. A reoccurrence of the nuisance within a twelve month period shall be deemed as a continuing offense and an immediate summons to court shall be issued for the second and each such violation thereafter within the twelve month

period. The notice shall be deemed sufficient proof that the same was deposited in the United States Mail first class postage prepaid or posted on the front entrance of the residence where the nuisance is located. The notice shall state that the vehicle or junk is deemed to be a nuisance within the provisions of this Chapter, and shall briefly state facts deemed to constitute such vehicle or junk a nuisance within the terms of this Chapter. At no time shall the original notice require the offending party to abate said nuisance in less than ten (10) days.

505.340. Proceedings when owner or custodian cannot be located. When the owner or custodian of any nuisance as defined in this Chapter cannot be located by reasonable search, the notice shall be attached to the property, briefly stating facts deemed to constitute the property a nuisance and stating that the nuisance shall be abated within ten (10) days of the date notice was posted, or if the nuisance is on public property, within two (2) days of the date notice was posted.

505.350. Duty of the owner or custodian. Any person receiving the notice provided for in this Chapter shall comply with the provisions of the notice requiring abatement.

505.360. Disposition. If not removed within the times specified in the notice, the vehicle or junk may be transported to a storage area by or at the direction of the Village Board or their duly authorized representative at the expense of the owner or person in custody thereof. It shall then be stored for a period of at least ninety (90) days, and the person entitled to possession thereof may sell it to the highest bidder or, if it has no sale value, may redeem the property by payment to the Village of the actual cost of its removal and a reasonable storage fee. If the vehicle or junk is unredeemed after the expiration of the ninety (90)-day period, the Village Board or their duly authorized representative may sell it to the highest bidder or, if it has no sale value, may otherwise dispose of it. Any money received from disposal of any vehicle or junk shall be applied to the expenses charged to the owner or person in charge thereof, and any excess held in escrow or returned to him. After another ninety (90)-day period, if the excess be unclaimed, it shall be paid over to the general fund of the Village.

505.370 Notice of sale. Prior to the sale of any such property, the Village Board or their duly authorized representative shall cause to be posted at a public place in the Village, a notice of sale stating:

1. that the Village is selling abandoned property
2. the color, make, year, motor number, and serial number, if available, and any other information necessary for an accurate identification of the property
3. the terms of the sale
4. the date, time, and place of the sale.

This notice shall be published not less than ten (10) nor more than twenty (20) days prior to the date of the sale.

505.380. Village's right to civil action for cost. Nothing in this Chapter shall be construed as abandoning or limiting the Village's right to bring suit for all expenses incurred in the abatement of a nuisance, when performed by the Village, in any court of competent jurisdiction in the name of the Village against the person maintaining, keeping, creating, or refusing to abate the nuisance so abated.

505.390. Village's right to file action for abatement of nuisance and for recovery of costs and attorney's fees. In addition to any other remedy available at law or under this Chapter, the Village shall have the right to file and prosecute a civil cause of action for abatement of any nuisance as defined in this Chapter, and upon successful prosecution of such cause of action the Village shall have the right to be awarded and recover from any defendant to such an action the Village's legal costs incurred and reasonable attorney's fees incurred in connection with any and all such civil causes of action to abate any such nuisances, in accordance with Section 79.383, RSMo. (Cum. Supp. 1993), as amended from time to time.

#### **Subchapter D – Special procedures when structures constitute a public nuisance**

505.400. Special procedures when structures constitute a public nuisance.

1. In cases where a building or structure is a public nuisance, as defined in this section, then the procedures and remedies found in this section shall be followed in lieu of any inconsistent procedure or remedy found in this Chapter.

2. Any building or structure that is unsafe to its occupants or others or unfit for human occupancy as defined in this section, is hereby declared to be a public nuisance. The Village Board or their duly authorized representative, may order, using the procedures found in this section, the vacation, mandatory demolition, or mandatory repair and maintenance of any structure which constitutes a public nuisance under this section.

a. An unsafe structure is one that is found by the Village Board or their duly authorized representative to be dangerous or detrimental to the life, health, property, or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is likely or personal injury is reasonably foreseeable.

b. A structure is unfit for human occupancy whenever the Village Board or their duly authorized representative finds the structure to be dangerous or detrimental to the life, health, property, or safety of the public or the occupants of the structure because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat-infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities, or

other essential equipment required by the Wardsville, Missouri Code, or because of the location of the structure.

3. In the event that the Village Board or their duly authorized representative determines that a structure is a public nuisance under this section, they shall serve the owner, occupant, lessee, mortgagee, agent, and all other persons having an interest in the structure, as shown by the land records of Cole County, Missouri, with notice that such structure has been declared to be a public nuisance. Such notice shall specify that the property is to be vacated, if such be the case, or in what manner the structure must be repaired, reconditioned, or removed, and shall give a reasonable time for the commencement of such remedial measures. Such notice shall be served either by personal service or by certified mail, return receipt requested, but if service cannot be had by either of these modes of service then service may be had by publication. Failure to comply with the requirements of the notice of declaration of public nuisance within a reasonable time or failure to proceed continuously without unnecessary delay shall be an offense punishable by a fine of not less than Ten Dollars (\$10) and not more than Five Hundred Dollars (\$500), and each day shall be a new offense.

4. If the demolition or remedial work specified in the notice of public nuisance is not commenced within the time specified in such notice, or if such demotion or remedial work does not proceed continuously without unnecessary delay, the Board of Trustees shall call and have a full and adequate hearing upon the matter, giving the parties who were entitled to notice of the declaration of public nuisance at least twenty-one (21) days' written notice of the hearing. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. After the hearing, if evidence supports a finding that the building or structure is a nuisance or detrimental to the health, safety, or welfare of the residents of Wardsville, Missouri, the Board of Trustee shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the building or structure to be a nuisance and detrimental to the health, safety, or welfare of the residents of Wardsville, Missouri, and ordering the building or structure to be demolished and removed, or repaired. Any interested party may appeal any such order of the Board of Trustees to the Circuit Court of Cole County as established in sections 536.100 to 536.140 RSMo., if a proper record as defined in section 536.130 RSMo. is maintained of the hearing provided by this subsection; otherwise, the appeal shall be made pursuant to the procedures provided by section 536.150 RSMo. In any appeal to the Circuit Court of Cole County, any person who owns or occupies property located within one thousand two hundred (1,200) feet of the perimeter of the building or structure which is the subject of the suit shall be allowed to present evidence to the court on behalf of the city whether or not such person presented such evidence at the hearing provided for in this section, and the appellant shall have the opportunity to cross-examine any such person presenting evidence to the court.

5. If the Board of Trustees issues an order whereby the building or structure is demolished, secured, or repaired, the costs of performance shall be certified to the Village clerk, who shall cause a special tax bill or assessment therefore against the property to be prepared and collected. Except as provided in subsection 6 of this section,

at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten years. The tax bill from the date of its issue shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid.

6. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion, or other casualty loss, then up to ten percent of such insurance proceeds shall be paid to the Village as provided in subdivisions (1) and (b) of this subsection. This provision shall only apply to a covered claim payment which is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure:

a. The insurer shall withhold from the covered claim payment up to ten percent (10%) of the covered claim payment, and shall pay such moneys to the Village to deposit into an interest bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this section.

b. The Village shall release the proceeds and any interest which has accrued on such proceeds received under subdivision (a) of this subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after receipt of such insurance moneys, unless the city has instituted legal proceedings under subsection 5 of this section. If the Village has proceeded under the provisions of subsection 5 of this section, all moneys in excess of that necessary to comply with the provisions of subsection 5 of this section for the removal of the building or structure, less salvage value, shall be paid to the insured.

7. The tax bill from date of its issuance shall be a lien on the property until paid.

#### **Subchapter E – Penalty**

505.500. Penalty for failure to abate nuisance. Any person who, having received a notice as provided for in this Chapter, fails to abate the nuisance within the period provided in said notice, upon conviction thereof, shall be fined not less than Twenty dollars (\$20) nor more than Five Hundred Dollars (\$500) for each offense and a separate offense shall be deemed committed on each day during or on which such nuisance is permitted to exist beyond the period given in the aforementioned notice.

#### **Subchapter F – Weeds**

505.600. Cutting and removal of grass, weeds, etc. It shall be unlawful for any owner, lessee, or occupant, or any agent, servant, representative, or employee of any such owner, lessee, or occupant having control of any occupied lot or land or any part thereof in the Village, or for any owner, lessee, or occupant, or any agent, servant, representative, or employee of any such owner, lessee, or occupant having control of any unoccupied lot or land or any part thereof

in the Village, to permit or maintain on any such lot or land, any growth of weeds, grass, and poisonous or harmful vegetation to a greater height than twelve (12) inches on the average, and it shall also be unlawful for any person or persons to cause, suffer, or allow poison ivy, ragweed, or other poisonous plant, or plants detrimental to health to grow on any such lot or land in such manner that any part of such ivy, ragweed, or other poisonous or harmful weed shall extend upon, overhang, or border any public place or allow seed, pollen, or other poisonous particles or emanations therefrom to be carried through the air into any public place, and the growth of such weeds, grass, and poisonous or harmful vegetation of a height of more than twelve (12) inches I and hereby is declared to be a nuisance. Any parcel of land equal to or greater five acres and which is used for agricultural purposes is exempt from the above, but no weeds, grass, or poisonous or harmful vegetation of a height of more than twelve (12) inches may exist within 25 feet of any property lines. The provisions of Section 51.600 shall not pertain to right-of-ways.

505.610. Duty of owner, lessee, or occupant. It shall be the duty of any owner, lessee, or occupant of any lot or land to cut and remove or cause to be cut and removed all such weeds, grass, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of this Section.

505.620. When Village to do work. If the provisions of this Chapter are not complied with, the Village Board or their duly authorized representative may declare the weeds to be a nuisance and order the same to be abated within five (5) days. In the event that the weeds are not cut down and removed within five (5) days, the Village Board or their duly authorized representative may have the weeds cut down and removed and shall certify the cost of the same to the Village clerk. The Village clerk shall cause a special tax bill therefore against the property to be prepared and to be collected by the county collector, 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 and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the city clerk and delivered to the county collector on or before the first day of June of each year. Such bills if not paid when due shall bear interest at the legal rate of interest as provided by state statute.

505.630. Penalty. Each person who shall neglect to cut and remove weeds, grass, or other vegetation as directed in this Chapter, or who shall fail, neglect, or refuse to comply with the provisions of any notice herein provided or who shall resist or obstruct the Village Board or their duly authorized representative in the cutting and removal of weeds, grass, and other vegetation, shall upon conviction thereof, be guilty of a misdemeanor.

### **Subchapter G – Snow**

505.700. Violation of 51.235. Should any person be found to have committed a violation of Section 51.235 hereof by intentionally removing snow from private property and depositing same onto a public roadway, or by directing another to do so at their request, that person shall, within twelve (12) hours of receipt of a request from the Village Board or their designee, remove all such snow that they deposited or caused to be deposited onto said public

roadway. Should said person fail to so remove said snow, they shall be subject to a fine of not less than \$100, nor more than \$500. Each day that said nuisance is allowed to continue to exist shall constitute a separate offense hereunder.

### **Subchapter H – Use of Engine and Compression Brakes**

505.800. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the corporate city limits of the Village of Wardsville, Missouri between dusk and dawn any engine brakes, compression brakes or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual, or explosive noise from such vehicle.

505.801. This prohibition shall not apply to individuals having “muffled engine brakes”, which is heretofore defined as an engine brake equipped with a muffler in good working order.

505.802. It shall not be considered to be a violation of this Ordinance to use or facilitate the use of an engine brake or compression brake should same be necessary to protect the life, health or property of another individual.

## **CHAPTER 515: FENCES**

### **SECTION 515.010: DEFINITIONS**

As used in this Chapter, the following terms shall have the meanings ascribed to them:

*DIVISION FENCE OR DIVISION SCREEN:* Any partition erected parallel to and/or along a property line and setting off the property of one (1) person from that of another or otherwise constructed for the purpose of shielding property from trespass or view.

*PERSON:* Any person, firm, partnership or corporation whether as owner, tenant, occupant or lessee of any real estate in the Village or as the contractor or subcontractor of such owner, tenant, occupant or lessee.

*WALL:* A solid exterior partition designed to act as a retaining wall.

### **SECTION 515.020: CERTAIN USES PROHIBITED**

No person shall permit any fence erected or maintained on premises owned, occupied or leased by him/her to be used for advertising purposes.

**SECTION 515.050: CLOTH, CANVAS OR SIMILAR MATERIALS PROHIBITED -- CHAIN LINK FENCES -- OTHER FENCES TO BE OF NATURAL OR EARTH-TONE COLOR**

- A. No person shall erect or maintain any division fence or screen, in whole or in part, of cloth, canvas or other like material.
- B. All chain link fences and posts shall be either natural metal, or vinyl covered or galvanized and green, black or brown in color. All such chain link fences shall have a top rail installed.
- C. All other division fences and screens constructed or maintained within the Village shall be of natural white or earth-tone color.

**SECTION 515.060: HEIGHT RESTRICTIONS**

- A. No person shall erect or maintain any division fence or screen or any other fence, wall, screen or exterior partition, no matter how built, or of what material constructed, which exceeds ten (10) feet in height.
- B. No person shall erect or maintain any solid division fence or screen which exceeds six (6) feet in height; provided however, that a division fence or screen of wood or metal not exceeding eight (8) feet in height may be erected if such fence or screen is penetrated with openings at regular intervals, or latticed so that the combined area of openings shall be at least fifty percent (50%) of the actual surface of such fence or screen.

**SECTION 515.070: NON-CONFORMING FENCES**

Division fences, screens or exterior partitions which do not conform to the provisions of this Section but which are in place prior to the effective date of this Chapter, may continue in existence, provided however, that in the event any such non-conforming fence, screen or partition shall be damaged or destroyed or shall decay to the extent that repairs thereto are required in an amount exceeding one hundred dollars (\$100.00), including labor and materials, then said fence, screen or partition shall be altered and reconstructed in conformity with the provisions of this Chapter, including those Sections hereof requiring the issuance of a permit.

**SECTION 515.080: PENALTY**

Every person erecting, maintaining or altering any fence, screen, wall or exterior partition in violation of or contrary to the requirements of this Chapter, and every person who shall fail, neglect or refuse to observe the requirements of this Chapter or violate the same shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of up to \$500.00 in addition to paying the costs of prosecution. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

## **CHAPTER 520: EXCAVATIONS**

### **SECTION 520.010: PERMIT APPLICATION, INSPECTION FEE, DEPOSIT REQUIRED**

No person shall make or cause to be made, or help, aid or assist therein, any excavation on any public street, highway, alley or other public place, or any public easement or right of way for the purpose of installing utility poles, underground electric or telephone cable, sewer or water lines or other underground utilities, without first having made application to the Village Clerk for a permit for such excavation and receiving from the Village Clerk a written permit therefore. Before such permit shall be granted, the applicant shall deposit with the Village Clerk such sum as in the judgment of the Village Clerk may be sufficient to restore the street, highway, alley or other public place, public easement or right of way, in as good condition as it was before the excavation was made, and in accordance with the conditions provided in this Chapter, and to pay a permit and inspection fee of fifteen dollars (\$15.00). The permit shall be signed by applicant and the Chairman of the Board of Trustees or designate, and shall state that applicant agrees to be liable for costs of restoration beyond the deposit amount, if necessary. The Excavation Permit shall be prominently displayed at the excavation site at all times. Emergency excavations deemed necessary for the protection of the public health or welfare may proceed without a permit but application shall be made within twenty-four (24) hours following said emergency excavation.

### **SECTION 520.020: REFUND OF DEPOSIT**

The deposit shall be returned to the depositor not later than six (6) months after the work is completed and the public place restored to its original condition and in accordance with the provisions of this Chapter; and if not so restored, the Chairman of the Board of Trustees or his/her designate, may cause the public place to be so restored and the deposit forfeited by the depositor. If the deposit is not sufficient to pay the entire costs thereof, the depositor shall be required to pay the balance thereof.

### **SECTION 520.030: SAFETY PRECAUTIONS**

Every person who shall cause to be made any excavation in or adjoining any public street, highway, alley or public place, or on any public easement or right of way shall cause the same to be adequately protected so as to prevent persons, animals or vehicles from falling into the excavation, and shall cause barricades and warning lights or facsimile to be maintained about such excavation, and keep the same lighted from sunset to sunrise. Whenever any person shall excavate the sidewalk of any street, it shall be his/her duty to place a strong and suitable footbridge over such excavation in the line of the sidewalk at least four (4) feet wide, and securely anchored at each end.

**SECTION 520.040: GENERAL METHOD OF BACKFILLING AND RESURFACING**

A. Excavations in any surfaced street or alley, whether a permanent or temporary surfacing exists on the street or alley at the time the excavation is made, shall be cut in straight neat lines on all sides, and all materials removed from the excavation as made, and the remaining backfill shall be completed to the original surface with crushed limestone having a maximum size of one and one-half (1½) inch minus; and process of backfilling shall be inundated with water for a period of not less than ten (10) minutes or the backfill shall be compacted every six (6) inches with a vibratory compactor.

B. The resurfacing shall match the existing surface and be of comparable material and quality. It shall extend a minimum of one (1) foot on all sides of the excavated area. It shall meet the existing surface at the same elevation and along a neat and straight line.

**SECTION 520.050: VIOLATION--PENALTY**

Any person failing to properly display the Excavation Permit or who shall violate any provision of this Chapter shall be subject to a fine of up to five hundred dollars (\$500.00) and to imprisonment for up to ninety (90) days, or to both such fine and imprisonment, in addition to civil damages. Each day of such non-compliance is considered a separate violation.

## **ARTICLE IX. GENERAL PROVISIONS**

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### **SECTION 600.010: DEFINITIONS**

As used in this Chapter, the following terms shall have the meanings indicated:

*INTOXICATING LIQUOR:* As used in this Chapter, shall mean and include alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors, or combination of liquors, a part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverage purposes, containing in excess of one-half of one percent (0.5%) by volume except for non-intoxicating beer as defined in this Section. All beverages having an alcoholic content of less than one-half of one percent (0.5%) by volume shall be exempt from the provisions of this Chapter, but subject to inspection as provided by Sections 196.365 to 196.445, RSMo.

*LIQUOR LICENSE:* Any license issued under the provisions of this Chapter.

*MALT LIQUOR:* Liquor manufactured from pure hops, or pure extract of hops, or pure barley malt, or wholesome grains or cereals and wholesome yeast and pure water, and commonly called and known as beer, and containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight.

*NON-INTOXICATING BEER:* Any beer manufactured from pure hops or pure extract of hops, pure barley malt or other wholesome grains or cereals and wholesome yeast and pure water, and free from all harmful substances, preservatives and adulterants, and having an alcoholic content in excess of one-half of one percent (0.5%) by volume, and not in excess of three and two-tenths percent (3.2%) by weight.

*ORIGINAL PACKAGE:* With reference to the sale of malt liquor or non-intoxicating beer, any package containing three (3) or more standard bottles of beer. With reference to the sale of intoxicating liquor other than malt liquor or beer, the term means a package or container containing a quantity of not less than fifty (50) milliliters of intoxicating liquor.

*PERSON:* Includes any individual, association, joint stock company, syndicate, co-partnership, corporation, receiver, trustee, conservator or other personal representative or other representative appointed by any State or Federal Court.

*PREMISES:* The portion of any building in which a licensee under this Chapter has his/her place of business and any additional building or portion thereof used in connection therewith, and the entire lot or lots, parcel or parcels of land on which said buildings are situated, or which are used in connection with the buildings.

*RESTAURANT:* A business establishment at which at least seventy percent (70%) of the gross income is derived from the sale of prepared meals or food consumed on the premises where sold; such calculations to be made quarterly.

*SALE BY DRINK:* The sale of any intoxicating liquor except malt liquor for consumption on the premises and includes the sale of intoxicating liquor in original packages in quantity less than fifty (50) milliliters.

**SECTION 600.020: MINORS PURCHASING OR POSSESSING INTOXICATING LIQUOR**

Any person under the age of twenty-one (21) years, who purchases or attempts to purchase, or has in his/her possession, any intoxicating liquor, malt liquor or non-intoxicating beer, is guilty of an offense.

**SECTION 600.030: ASSISTING MINOR IN FALSIFICATION OF AGE**

It shall be unlawful for any person to give, lend, sell or otherwise provide any person between the ages of seventeen (17) and twenty-one (21) any falsified identification, or the identification of another person for the purpose of establishing the age of the minor as being twenty-one (21) years of age or older.

**SECTION 600.040: ARTICLE NOT TO AFFECT PROFESSIONAL ACTIVITIES OF PHYSICIANS AND PHARMACISTS**

Nothing in this Article shall limit the right of a duly licensed physician to prescribe intoxicating liquor in accordance with his/her professional judgment for any patient at any time, or prohibit a regularly licensed druggist from selling intoxicating liquor, lawfully acquired and lawfully in his/her possession, to any person on prescription from a regularly licensed physician; however, no part of such intoxicating liquor shall be consumed on the premises where sold. A license for the sale of intoxicating liquor shall not be required.

**SECTION 600.050: DUTY OF POLICE TO ENFORCE SECTIONS 600.020--600.040**

It shall be the duty of the members of the Police Department serving the Village to see that the provisions of Sections 600.020--600.040 are obeyed, and to report to the Chairperson any place which is not kept in an orderly manner or is in violation of Sections 600.020--600.040.

## **CHAPTER 620: RESTAURANT OPERATION**

### **SECTION 620.010: DEFINITIONS**

The following definitions shall apply to the interpretation and enforcement of this Chapter:

*EMPLOYEE:* Any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed in a room in which food or drink is prepared or served.

*HEALTH COMMISSIONER:* The individual occupying that office or any other person duly appointed or authorized by the Board of Trustees to assist in the enforcement of the provisions of this Chapter.

*PERSON:* Any person, firm, corporation or association.

*RESTAURANT:* Restaurant, coffee shop, cafeteria, short order cafe, grill, luncheonette, sandwich shop, soda fountain, food vending cart, and all other eating establishments, as well as kitchens or other places in which food or drink is prepared for sale elsewhere.

*UTENSILS:* Any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation, or serving.

### **SECTION 620.020: EXAMINATION--CONDEMNATION OF FOOD OR DRINK**

Samples of food, drink, and other substances may be taken and examined by the Cole County Department of Health as often as may be necessary for the detection of unwholesomeness, spoilage or adulteration. The Cole County Department of Health may condemn and forbid the sale of, or cause to be removed or destroyed, any food or drink which is unwholesome, spoiled or adulterated.

### **SECTION 620.030: INSPECTION--REPORT**

A. The Board of Trustees may cause an inspection to be made of every restaurant located within the Village as they deem appropriate. In case violations of any item of sanitation required is discovered, a second (2nd) inspection shall be made after the lapse of such time as deemed necessary by the Cole County Department of Health and/or the Board of Trustees for the defect to be remedied, and the second (2nd) inspection shall be used in determining compliance with the requirements of this Chapter. Any violation of the same item of this

Chapter on such second (2nd) inspection shall call for suspension of permit or such other penalty as in this Chapter is provided.

B. One (1) copy of the inspection report shall be posted by the Board of Trustees upon an inside wall of the restaurant, and said inspection shall not be defaced or removed except with the Board's permission.

C. The person operating the restaurant shall upon request of the Board of Trustees, permit access to all parts of the establishment and shall permit copying of any or all records of food purchased.

#### **SECTION 620.040: WITHDRAWAL OR SUSPENSION OF BUSINESS LICENSE**

The license to operate within the Village may be withdrawn or suspended following a repeat violation of the same item(s) of this Chapter on a second (2nd) inspection upon majority vote of the Board of Trustees at a regular or special meeting and no restaurant shall be allowed reinstatement of its license without presenting to the Board or its representative written statement certifying that all defect(s) have been corrected. Upon reinspection the suspended license may be reinstated by the Board of Trustees. In the event a license shall have been withdrawn due to violations of this Chapter, such license shall not be reinstated prior to the expiration of seven (7) days and the payment of any fines as listed in Section 620.090.

#### **SECTION 620.050: STANDARDS**

All restaurants within the Village shall comply with all of the following items of sanitation:

1. The floors of all rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be of such construction as to be easily cleaned, shall be reasonably smooth, and shall be kept clean and in good repair.

2. Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is stored or prepared shall be finished in light color. The walls of all rooms in which food or drinks are prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray.

3. When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.

4. All rooms in which food or drink is stored or prepared, or in which utensils are washed, shall be well lighted.

5. All rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be well ventilated.

6. Every restaurant shall be provided with adequate and conveniently located restroom facilities for its employees and customers. In restaurants hereafter constructed, restrooms shall not open directly into any room in which food, drink or utensils are handled or stored. The doors of all restrooms shall be self-closing. Restrooms shall be kept in a clean condition, in good repair, and well lighted and ventilated. Hand-washing signs shall be posted in each restroom used by employees.

7. Running water under pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed, and the water supply shall be adequate, and of a safe, sanitary quality.

8. Adequate and convenient hand-washing facilities shall be provided, including hot and cold running water, soap and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the restroom without first washing his/her hands.

9. All multi-use utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a restaurant shall be so constructed as to be easily cleaned and shall be kept in good repair. Utensils containing or plated with cadmium or lead shall not be used except that solder containing lead may be used for jointing.

10. All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, and sinks, shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by waiters, chefs, and other employees shall be clean. Single-service containers shall be used only once.

11. All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for no other purpose.

12. No article, polish, or other substance containing any cyanide preparation or other poisonous material shall be used for the cleaning or polishing of utensils.

13. After bacterial treatment, utensils shall be stored in a clean, dry place protected from flies, dust, and other contamination, and shall be handled in such a manner as to prevent contamination as far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

14. All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable receptacles, in such manner as not to become a nuisance.

15. All readily perishable food and drink shall be kept at or below fifty degrees (50°F) Fahrenheit except when being prepared or served. Wastewater from refrigeration equipment shall be properly disposed of.

16. All food and drink shall be clean, wholesome, free from spoilage, and so prepared as to be safe for human consumption. All milk, fluid milk products, ice cream, and other frozen desserts served shall be from approved sources. Milk and fluid milk products shall be served directly from individual containers in which they were received from the distributor or from a bulk container equipped with an approved dispensing device; but this requirement shall not apply to cream, which may be served from the original bottle or from a dispenser approved for such service. All oysters, clams, and mussels shall be from approved sources, and if shucked shall be kept until used in the containers in which they were placed at the shucking plant.

17. All food and drink shall be so stored, displayed and served as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage, and other contamination. No animals or fowls shall be kept or allowed in any room in which food or drink is prepared or stored. All means necessary for the elimination of flies, roaches, and rodents shall be used.

18. All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils, or equipment. Employees shall not expectorate or use tobacco in any form in rooms in which food is prepared.

19. The premises of all restaurants shall be kept clean and free of litter or rubbish. None of the operations connected with a restaurant shall be conducted in any room used as living or sleeping quarters. Adequate locker or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose. Refuse containers shall be maintained within a reasonable distance from the kitchen facilities and shall be of adequate size and design to ensure that contents placed therein are covered at all times. Boxes, and other rigid containers shall be flattened prior to disposal. Liquid wastes shall be stored in a sealed container if not discharged through the interior waste system. (Ord. No. 82-9 §5, 6-23-82)

#### **SECTION 620.060: DISEASE CONTROL**

No person who is affected with any disease in a communicable form or is a carrier of such disease shall work in any restaurant, and no restaurant shall employ any such person or any person suspected of being affected with any disease in a communicable form or of being a carrier of such disease. If the restaurant manager suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease he/she shall notify the Board of Trustees immediately. A placard containing this Section shall be posted in all restrooms. All restaurant employees shall have an annual chest X-ray and all new employees shall have a pre-

employment X-ray prior to beginning work, which has been made within the last twelve (12) months.

**SECTION 620.070: PROCEDURE WHEN INFECTION SUSPECTED**

When suspicion arises as to the possibility of transmission of infection from any restaurant employee the Board of Trustees may require any or all of the following measures:

1. The immediate exclusion of the employee from all restaurants.
2. The immediate closing of the restaurant concerned until no further danger of disease outbreak exists, in the opinion of the Board of Trustees or any competent governmental authority.

**SECTION 620.080: ENFORCEMENT GUIDANCE**

This Chapter shall be enforced by the Board of Trustees in accordance with the interpretations thereof contained in the United States Public Health Service Code Regulating Eating and Drinking Establishments.

**SECTION 620.090: OTHER PENALTIES**

- A. If a third (3rd) inspection of a restaurant shall be required to determine abatement of any condition previously noted and reinspected, the actual cost of said inspection shall be billed to the licensee and the payment of said bill shall be a condition precedent to the reinstatement of the business license if such shall have been suspended or withdrawn or shall otherwise become a charge against the annual licensing fee.
- B. Any person who violates any provision of this Chapter shall upon conviction be fined not less than five dollars (\$5.00) nor more than three hundred dollars (\$300.00), or be imprisoned in the County Jail not less than three (3) days nor more than ninety (90) days, or by both such fine and imprisonment. Each day of such violation shall constitute a separate offense.

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**Chapter 625: Sewage and Water Regulation**

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**SECTION 625.010: RULES AND REGULATIONS FOR WATER SUPPLY SYSTEM**

The following rules and regulations are hereby adopted to govern the water services furnished by the municipality in a uniform manner for the benefit of the municipality and its water users. They are subject to change from time to time. All such changes must be approved by the State Director of the Farmers Home Administrations, United States Department of Agriculture, or his successor, so long as the municipality has unpaid obligations which are held by or insured by the United States of America. If any portion of these rules shall be declared invalid by competent authority, such voidance shall not affect the validity of the remaining portions.

Definitions:

Municipality: The Village of Wardsville, Missouri

Applicant: Any individual, firm, partnership, corporation or other agency owning land within the municipality applying for water user's agreement.

Board: The Board of Trustees of the municipality

Water User: Any individual, firm, partnership, corporation or other agency receiving water and water services, or to whom water services are made available from the municipal facilities pursuant to a written water user's agreement.

Residential User: any user of the Village of Wardsville water system whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

Point of Delivery: The point of delivery shall be at the water, unless otherwise specified in the water user's agreement.

Service: The term when used in connection with the supplying of water shall mean the availability for use by the water user of water adequate to meet the water user's requirement. Service shall be considered as available when the municipality maintains the water supply at normal pressure at the point of delivery, in readiness for the water user's use, regardless of whether or not the water user makes use of it.

Water User's Agreement: The written agreement or contract between or contract between the water user and the municipality, pursuant to which water service is supplied or made available.

State Director: The State Director of the Farmers Home Administration for Missouri, United States Department of Agriculture, or his successor.

Water Service: A water service shall consist of facilities for supplying water to one residence or business establishment located on land within the municipality or outside the municipality if user furnishes connection to system at municipality boundary or at nearest available connecting point within the municipal limits.

Water Distribution System: all piping, conduits, valves, hydrants, storage facilities, pumps and other appurtenances, excluding service connections, which serve to deliver water from water treatment plant or source to the public.

Service Connection: each individual connection of a user to a water main or pipe for the purpose of conveying water to a point of use.

Service Line: any water line or pipe connected to a public water supply's distribution main or pipe that conveys water to a point of use. Each service line is owned and maintained by the customer at that service connection and such line belongs at the customer's side of meter.

Water Main: any water main line or pipe which conveys water to a point of use from a water treatment plant, source, or water storage facility. Water mains are owned and maintained by the Village.

Water Treatment Plant: a facility which uses specific processes such as sedimentation, coagulation, filtration, disinfection, aeration, oxidation, ion exchange, fluoridation, or other processes which serve to add components or to alter or remove contaminants from a water supply source.

Water Meter: a water volume measuring and recording device, furnished and/or installed by the Village of Wardsville or furnished and/or installed by a user and approved by the Village of Wardsville. Each individual service connection shall have a water meter.

Cross-Connection: any actual or potential connection or structural arrangement between a public water system and any other source or system through which it is possible to introduce into any part of the public water system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. By-pass arrangements, jumper connections, removable sections, swivel or change-over devices and any other temporary or permanent devices through which or because of which, backflow can or may occur are considered cross-connections.

Person: any individual, firm, company, association, society, corporation, or group.

pH: the negative logarithm of the concentration of hydrogen ions in an aqueous solution.

Public Water System: a system for provision to the public of piped water for human consumption, if the system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) individuals daily at least sixty days out of the year. The system includes any collection, treatment, storage or distribution facilities used in connection with the system. A public water system is either a community water system or a non-community water system.

Community Water System: a public water system which serves at least fifteen (15) service connections or regularly serves at least twenty-five (25) residents on a year-round basis.

Sanitary Sewer: a sewer which carries sewage and to which storm, surface and groundwater are not intentionally admitted.

Shall is mandatory; May is permissive

Superintendent: the Superintendent of Water Works, who is in responsible charge of the operation and maintenance of the public water supply serving the Village.

Operation and Maintenance: all expenditures during the useful life of the system for materials, labor, utilities, and other items which are necessary for managing and maintaining the system to achieve the capacity and performance for which system was designed and constructed.

Replacement: expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the system to maintain the capacity and performance for which such works were designed and constructed. The term Operation and Maintenance includes replacement.

Useful Life: estimated period during which the treatment works will be operated.

User Charge: the portion of the total water service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the water system.

A. The owner of all houses, buildings, or properties used for human employment, recreation, residence or other purposes, situated within the village and abutting on any street, alley, or right-of-way there is now located or may in the future be located access to public water system within 150 feet of the property line, is hereby required to connect to such facilities in accordance with the provisions of this ordinance, within thirty (30) days after date of official notice to do so.

B. Any property owner wishing to utilize a water provider other than the Village of Wardsville municipal water system shall first receive approval from the Board of Trustees and must show that the municipal water system is unavailable or completely impractical, in the sole opinion of the Board of Trustees, in order to receive approval.

No person or entity shall dig or cause to be dug any well for potable or other water usage or consumption within the corporate limits of the Village of Wardsville without first receiving the approval of the Board of Trustees of the Village. The Board of Trustees shall have the ability to deny any such request should they, in their sole discretion, find that digging of such a well shall be injurious to the health, safety or welfare of the Village on its citizens.

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

When a public water system becomes available, customers that connect must physically disconnect from the existing private system (well), in accordance with the village's cross-connection prevention ordinance. The well shall then be properly plugged in accordance with guidelines established by the Missouri Department of Natural Resources Division of Geology and Land Survey (DGLS) and outlined in state regulation 10 CSR 23--3.110 as amended, unless the owner wants to keep it functional for uses other than providing drinking water. A well may only be kept if it remains physically disconnected from the public water supply's distribution system, has a functional pump, is connected to an electrical service, and is pumped at least once in a twelve month period. Upon connecting to the public water system, the appropriate DNR Regional Office shall be notified, in writing, that the connection(s) have been completed.

C. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public water system or appurtenance thereof without first obtaining a written permit from the Superintendent.

The owner or his agent shall make application on a special form furnished by the village to connect to the system. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee as set by the Board for a residential, commercial building or industrial permit shall be paid to the village at the time the application is filed.

All cost and expenses incident to the installation of the service line and connection to the public water system shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may directly or indirectly be occasioned by the installation of the water service.

A separate and independent service connection shall be provided for every building.

The size, alignment, material, used in the construction of new or the replacement of the existing public water system, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the most recent edition of the Missouri Department of Natural Resources (MDNR), Public Drinking Water Program, Design Guide for Community Public Water Supplies. A Permit to Construct, issued by MDNR, will be received prior to construction, alteration or extension of the water system.

The applicant for a public water system connection permit shall notify the Superintendent when service line is ready for inspection and connection to the Superintendent or his representative.

All excavations for public water system improvements, replacements or repairs shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the village.

D. No authorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the public water system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

E. The Superintendent and other duly authorized employees of the village bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspections, observation, measurement, sampling, and testing in accordance with the provision of this ordinance.

While performing the necessary work on private properties referred to in this chapter, the Superintendent or duly authorized employees of the Village shall observe all safety rules applicable to the premises established by the company shall be held harmless for injury or death to the Village employees and the village shall indemnify the company against loss or damage to its property by Village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

The Superintendent and other duly authorized employees of the Village bearing proper credentials and identification shall be permitted to enter all private properties through which the village holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the public water system lying within said easement. All entry and subsequent work, in any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

F. Any person found to be violating any provision of this ordinance except Part C of this chapter shall be served by the village with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Any person who shall continue any violation beyond the time limit provided for in this chapter, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in an amount set by the Board for each violation. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.

Any person violating any of the provisions of this ordinance shall become liable to the Village for any expense, loss, or damage occasioned the Village by reason of such violation.

G. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this chapter which can be given effect without such invalid part or parts.

In the event that any water from the Village system is released through a water line connected to the Village system, which said water line is not owned by the Village, the person releasing such water shall reimburse the Village of the water released at the current rate. A release of water shall include, but not be limited to, flushing or testing of lines and line breaks.

Section 1: The user charge system shall generate adequate annual revenues to pay the costs of annual operation and maintenance including replacement and cost associated with debt retirement of bonded capital associated with financing the water system which the Village may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the water system shall be established by this chapter.

Section 2: That portion of the total user charge collected which is designated for the operation and maintenance including replacement purposes as established in Section 4, 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 shall be an account designated for specific purpose of defraying operation and maintenance costs of the water system. Deposits in the Operation and Maintenance Account shall be made from user charge revenue.

b. The Replacement Account shall be an account designated for the purpose of ensuring replacement needs over the useful life of the water system. Deposits in the Replacement Account shall be made from user charge revenue per Appendix "B" and "C" and made a part of this chapter.

Section 3: 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 per discretion of the Board. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

Section 4: Each user shall pay for the services provided by the Village of Wardsville based on their use of the water system as determined by water meter(s) acceptable to the Village of Wardsville.

All monthly user charges will be based on monthly water usage.

User charge fees will be applied per Section 625.033 hereof.

The user charge rates established in this Section apply to all users of the Village's system, regardless of the user's location.

Section 5: The Board of Trustees of the Village of Wardsville hereby determines that it is in the best interests of the citizens of the Village to acquire bids for the performance of the following work:

Construction of a water tower and extension of water lines

Bidders may bid on either the water tower or the water line extension or both. All work shall be done in compliance with applicable state laws. Contractor shall provide the necessary material, labor, and equipment to complete such work, said contract shall provide that all workmen employed by the contractor performing such work shall be paid prevailing wages as required under Chapter 290 RSMo. Contractor shall furnish evidence of workers compensation insurance and liability insurance.

To facilitate the authorization provided in Section 5, the Village Clerk is hereby authorized and directed to advertise for bids for the services so designated. Said concerns to provide a bid for all materials, labor, and equipment to perform and complete this work, shall state that all bids shall be accompanied by a certified check or bid bond with corporate surety equal to five percent (5%) of the bid, payable to the Village, and that without such check or bond, such bid shall not be considered, shall state that the bid shall state the prevailing rate of wages for each type of workman employed, and that the contract will provide penalties of ten dollars (\$10) per day for each workman if prevailing wages are not paid and five hundred dollars (\$500.00) per day if the work is not completed by the completion date. Said advertisement shall state that the bids shall be for said services and work is to be done in accordance with the specifications set forth herein; shall require bids to be for the work to be done in its entirety; shall state that bids must be received by the Village Clerk by a specific time and date; shall state that the Board of Alderman reserves the right to reject any and all bids, and to accept only a portion of the work bid for; shall state that bids shall provide that if the bid is accepted, the bidder shall provide a bond to the Village before work is commenced, which will guarantee the bidder's performance of the work bid for; shall state that all bids shall be submitted on bid-contract forms provided by the Village of Wardsville.

All contracts will be awarded for one year, with an option to renew for additional periods.

Section 6: All users shall be billed monthly and payable by the fifteenth (15) day after the first of the month. Every service charge specified in this section remaining unpaid for forty (40) days after the date of its billing may be increased by ten (10) percent for each thirty day period such charge remains unpaid after the expiration of forty (40) days from the date of its billing.

Services shall be deemed to be furnished to both the occupant and owner of all residential, commercial or industrial, and governmental establishments receiving water service, occupant and owner of such establishments shall be severally and jointly liable for payment of the charges for such service rendered on or to premises upon which such establishments are located. If any bill for such service is not paid within fifteen (15) days from the first day of the month, the Village of Wardsville may sue the occupant, the owner, or both, of the establishments of such

service or for which such service has been made available, and receive any sums for such services plus a reasonable attorney's fees to be fixed by the court and the cost of suit. Such suit shall be instituted by the Village of Wardsville counselor upon the order of the Chairman of the Board of Trustees of the Village of Wardsville. In addition, the Village of Wardsville may use such other means now or hereafter available to it under the statutes of Missouri and the city code of the Village of Wardsville to effect collection of any bill for water service remaining unpaid upon the expiration of fifteen (15) days from the date of such bill.

In the even either the occupant or owner of property which receives water service furnished by the Village of Wardsville has reason to dispute the amount or nature of any bill, the recipient shall be permitted to make payment under protest, provided that the recipient provide to the Village at the time of payment the following information:

1. The period of time for which the service is disputed
2. The reason for the dispute
3. The request remedy.

Nothing contained herein shall in any way forgive or avoid any payment to the Village of Wardsville as outlined in this chapter for water services. Upon receipt of any such payment under protest, the Public Works Committee shall respond in writing to the recipient of the service with a response to their complaint and a copy shall be forwarded to the Village Clerk, the Chairman of the Public Works Committee, the Village Board, and reply shall be forthcoming within a reasonable amount of time.

No person shall connect onto the public water supply distribution system or install any water meter which connects directly or indirectly to the public water supply distribution system of the Village without first providing written notice to the Village Clerk. Such notice shall specifically describe the location where the meter for such connection is, or will be, located. Any such meter shall be easily accessible by the Village or its employees and shall be readable without the entrance to any building. Any connection or installation made in violation of these provisions may be disconnected by the Village at the cost of the landowner.

The Board of Trustees, in the Village of Wardsville, Missouri, is hereby authorized to direct Village personnel to provide the means and to proceed with the introduction of the fluoridation into the public drinking water supply of Wardsville, Missouri, in such quantities as are required to provide throughout the pipe distribution system a fluoride concentration of approximately one part fluoride per million parts of water.

The Board of Trustees, in the Village of Wardsville, Missouri shall, further direct Village personnel to keep an accurate record of the amount of fluoride bearing chemical applied to the quantities of water treated, and cause such analytical tests to be made for fluoride in the untreated and treated water as it shall be directed to do by the Missouri Department of Health.

Section 6: The Village of Wardsville 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 costs among users and user classes.

The Village of Wardsville 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.

**Rate Schedule:** Rate Schedules for water and water service are fixed by the Board. The rate schedule is subject to change by action of the Board with the approval of the State Director. If a provision of the rules and regulation conflicts with a provision of the rate schedule, the provision of the rate schedule shall prevail. If the total amount of revenue and income derived from the collection of the water rates and charges is insufficient to meet the payment of the cost of operation, maintenance, depreciation, necessary extensions and enlargements, and payment of the principal and interest on any general and revenue bonds, then outstanding, with their attendant obligations pursuant to the terms of the bonds and authorizing resolutions, the Board will increase the water rates for the first month thereafter to an amount sufficient to meet these costs and obligations.

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare, and convenience of the Village of Wardsville to collect charges from all users who use the Village's water system. The proceeds of such charges so derived will be used for the purpose of operating, maintaining, and retiring the debt for such public water system.

Applications: water user's agreements shall make application to the Clerk of the municipality.

Readiness to accept service: Before installing a service extension and providing water, the Board may require the applicant to install pipe in their home and be in readiness to accept service.

Service is for sole use of the water user: A standard water service connection is for the sole use of the water user, and does not permit the extension of pipes to transfer water from one property to any other consumer. If an emergency or specific situation should make such an arrangement advisable, it shall be done only on specific written permission of the Board for the duration of the emergency.

Agreements with governmental and public bodies: The Board may make specific water service contracts with the United States of America and its agencies, the State of Missouri, and its agencies, school districts and municipal corporations and private institutional users differing from stipulations set out in the rate schedule and rules. Such contracts must receive written approval by the State Director before being placed in effect.

Right of access: Representatives of the municipality shall have the right at all reasonable hours to enter upon the water user's premises to read and test meters, inspect piping, and to perform other duties for the maintenance and operation of service, or to remove its meters and equipment upon discontinuance of service by the water user.

Continuity of service: The municipality will make all reasonable efforts to supply continuous, uninterrupted service. However, it shall have the right to interrupt service for the purpose of making repairs, connections, extensions, or for other necessary work. Efforts will be made to

notify each water user who may be affected by such interruptions, but the municipality will not accept responsibility for losses which may occur due to such necessary interruptions. The municipality does not accept responsibility for losses which may occur due to interruptions of service for any cause.

Meters: Meters shall be furnished, installed, owned, inspected, tested and kept in proper operating condition by the municipality, without cost to the water user, except that each water user shall pay a connection fee set by the Board which shall not be refundable. A complete record of tests and histories of meters will be kept. Meter tests will be made according to methods of the American Waterworks Association by the municipality as often as deemed necessary by the Board.

Meter accuracy: Service water errors which do not exceed two percent (2%) fast or slow shall be considered as being within the allowable limits of accuracy for billing purposes. The percentage of error will be considered as that arrived at by taking the average of the error at full load and that at the ten percent (10%) load, unless a water user's rate of usage is known to be practically constant, in which case the error at such constant use will be used.

Meter location: Meters shall be set in a accessible place on the outside of buildings except where otherwise directed by the municipality. All meters shall be set horizontally and never connected to a vertical pipe. Meters outside of buildings shall be placed in meter boxes, furnished and installed by the municipality.

Reconnection charges: The reconnection charge for restoration of service, if reconnection is authorized and approved under the provisions of the Ordinances of the municipality, after each suspension of service because of delinquent payment or for other infraction of these rules, shall be the unpaid amount plus interest at the rate of one-half percent (1/2%) per month and a fee set by the Board.

Requested meter tests: Meter tests requested by water users will be performed without cost to the water user if the meter is found to be in excess of two percent (2%) fast. Otherwise the water user for whom the requested test was made will be charged the cost of making the test.

Water user's responsibility: The water user shall be responsible for any damage to the meter installed for his service, from any cause other than normal wear and tear.

Change of occupancy: It shall be the water user's responsibility to anticipate any change of occupancy and to withdraw the balance of the meter deposit less any amount due the municipality. Until such withdrawal is made the original water user shall be responsible for payment of services.

Main extensions and future connections: In extending water mains to furnish service to an applicant or in making a connection to an existing main for an applicant after the completion of the original waterworks of the municipality, the charge for such connection shall be a connection fee set by the Board which is subject to adjustment to take into consideration the average cost of the entire system to each water user at the discretion of the Board. The municipality shall not

be obligated to extend its mains to render service; however, except at the discretion of the Board, and unless sufficient funds are available in the renewal and extension fund of the waterworks to finance the entire cost of such extension.

Services: The municipality will install all water service pipes and accessories from its mains to the meters on property abutting the right-of-way along which the main is installed, and the water user shall pay to the municipality the actual cost of installing such pipes. The service pipe shall not be less than 3/4 inch in size. The municipality will also install the municipality c\meter and meter setting. The meter will be set in front of the premises to be served or at the closest point on the water user's premises as designated by the municipality.

Meter deposit: All water users of said municipality and applicants therefore shall make a service deposit before connecting any water service lines to the water lines and meters of said municipality. This meter deposit shall be established by ordinance and is in addition to the connection fee. The Board may establish a standard meter deposit and then adjust it for special cases such business establishment users requiring a large volume of water, special meters, etc.

Rate of tank sales: The Board has the exclusive power to authorize tank sales or sales in bulk of water from such supply heads and such rates as it may designate.

Applicants having excessive requirements: In the event any applicant's requirements are found to exceed the municipality's ability to supply it from existing plant without adversely affecting service to other water users to an unreasonable extent, the municipality will not be obligated to render such service, unless and until suitable self-liquidating financing is arranged to cover necessary investment in additional plant.

Connection with private water systems: There shall be no physical connection between any private water system and the water system of the municipality. Representatives of the municipality shall have the right at all reasonable hours to enter upon water user's premises for the purpose of inspection and enforcement of this provision. Violation of this provision shall constitute cause for disconnection of a water user's service.

All structures requiring potable drinking water within the Village of Wardsville shall connect to the municipal water system or another approved, treated water system supplier, which shall be their sole source of potable drinking water. New homes shall not utilize well water as their source for potable water. There shall be allowed no cross connection between the Wardsville water system and private water sources. All individuals, entities, and others who connects a building, property, or structure to the municipal water system shall be bound by existing sections of the Village of Wardsville Code with regards to connection and other fees.

Any property owner wishing to utilize a water provider other than the Village of Wardsville municipal water system shall first receive approval from the Board of Trustees, ad must show that the municipal water system is unavailable or completely impractical, in the sole opinion of the Boards of Trustees, in order to receive said approval.

All residential, commercial or industrial, and governmental establishments located within the Village limits of the Village of Wardsville, whose sewer lines connect to Village lines or to Village facilities and whose water is supplied from private wells shall either (at the user's option) (A) pay a monthly rate for water consumption to that of a comparable household plus an additional twenty percent (20%); or (B) install a water meter on their water line. Said water meter shall be approved by the Village and shall be easily accessible by the Village or its employees and shall be readable without the entrance to any building.

No person or entity shall dig or cause to be dug any well for potable or other water usage or consumption within the corporate limits of the Village of Wardsville without first receiving the approval of the Board of Trustees of the Village. The board of Trustees shall have the ability to deny any such request should they, in their sole discretion, find that the digging of such a well shall be injurious to the health, safety or welfare of the Village on its citizens.

The owner of any property found to be in violation hereof shall be subject to a fine of not less than \$50.00 for each day that a property is in violation of the terms hereof. Each additional day that the property remains in violation of the terms hereof shall constitute a separate offense hereunder. The village shall also have the right to apply for and receive a temporary injunction or restraining order prohibiting the use of potable water other than from the municipal water supply system or another approved water system as primary water source for a structure as set forth herein.

In the event the total water supply shall be insufficient to meet all of the needs of the water users, or in the event there is a shortage of water, the municipality may pro-rate the water available among the various users on such basis as is deemed equitable by the Board, and may also prescribe a schedule of hours, covering the use of water for purposes specified in such ordinance, and require adherence thereto, or prohibit the use of water for certain specified purposes if at any time the total water supply be insufficient to meet all of the needs of all of the water users for domestic, livestock, garden and other purposes, and the municipality must first satisfy all the needs of the water users for domestic purposes before supplying any water for livestock purposes and must satisfy the need s of all the water users for domestic and livestock purposes before supplying water for other purposes.

(Source: Ord. No. 4, 73, 194)

#### **SECTION 625.015: COMBINING WATER WORKS AND SEWAGE WORKS**

Pursuant to the authority granted by Section 250.020 RSMo, the Board of Trustees of the Village of Wardsville does hereby combine the water works and sewage works of the Village, including all current and future facilities of the Village, and all such systems, structures and facilities shall be operated as a combined system for all purposes. (Source Ord. No. 55)

#### **SECTION 625. 020: ADOPTION OF SEWAGE PERMITS AND INSPECTIONS**

Cole County Public Works will issue permits and conduct inspections on new and/or existing septic tanks according to the Cold County regulations. Cole County has the right to charge

inspections fees within the Corporate Limits of the Village of Wardsville. Adopted March 6, 1996. (Source Resolution No. 39)

**SECTION 625.030: PROHIBITING HOOKING UP TO VILLAGE SEWERS**

1. No person shall hook up to or tap into any Village of Wardsville Sewer line or treatment facility without permission nor without paying a hookup fee of One Thousand Dollars (\$1,000).
2. Violation of Section 625.030 shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00)
3. Persons charged with violations of this ordinance shall come under the jurisdiction of the municipal court and traffic violation bureau.

**SECTION 625.031: TREATMENT IMPACT FEE FOR OTHER THAN SINGLE FAMILY RESIDENTIAL STRUCTURES**

- I.) Treatment Impact Fee- Other than Single Family Residential. Any person or property owner who connects or causes to be connected, any property to the Village Sewer system a building other than a single family residence, shall pay a Treatment Impact Fee in the amount of one thousand five hundred dollars (\$1500), if the building has the same sized water meter as generally used for single family residential buildings or an amount determined by the board if the building's water meter is of another size unless one of the following apply:
  - A.) Buildings other than single family residences which shall be treated as single family residences for the purposes of this section regardless of meter size and shall be assessed the same fee assessed to single family residences are 1)schools, 2) convenience stores 3) churches, 4) tanning salons, and 5) restaurants. For the purposes of this section the following buildings are hereby defined as:
    - i.) School- Institution of learning and education including by not limited to:
      1. public schools established under state law, funded by public taxation, and open to and free to all children of the particular district where the school is located.
      2. Private schools maintained by private individuals, religious organizations, or corporations, funded, at least in part by fees or tuition, and open only to pupils selected and admitted based on religious affiliations or other qualifications.
      3. Institutions offering Technical or Vocational training.
    - ii.) Convenience Store- A place of business that is primarily engaged in the retail sale of groceries, both groceries and gasoline, or liquor, for consumption off the premises. The term "convenience store" does not include a business that has at least ten thousand square feet of retail floor space.
    - iii.) Church- a building for public worship.

- iv.) Tanning Salon- A business establishment which operates more than one tanning bed and where the operation of said beds constitute a majority of the business's revenue.
- v.) Restaurant- A building wherein food is prepared and served to the public for consumption on the premises or delivery, where the sale of food, exclusive of liquor, wine, or beer for consumption on the premises, constitute a majority of sales made on or out of the premises.
- B.) Buildings other than single family residences which shall be exempted from the treatment impact fee are accessory buildings.
- C.)
  - i.) For the purposes of this section "accessory buildings" are hereby defined as buildings located in single family residential districts which are not a primary residence and which contain no bedroom and not more than one bathroom.

**SECTION 625.032: A BAN ON LEAD IN PUBLIC AND PRIVATE DRINKING WATER PLUMBING**

- A. Purpose: To ban the use of lead materials in the public drinking water system and private plumbing connected to the public drinking water system; and to protect city residents from lead contamination in the Village's public drinking water system and their own private plumbing systems.
- B. Application: Section 625.032 shall apply to all premises served by the public drinking water system of the Village of Wardsville, Missouri
- C. Policy: The water purveyor will reasonably interpret this Ordinance. It is the purveyor's intent to ban the use of lead based material in the construction or modification of the Village's drinking water system or private plumbing connected to the Village system. The cooperation of all consumers is required to implement the lead ban.

If, in the judgment of the water purveyor or his authorized representative, lead base materials have been used in new construction or modifications after January 1, 1989, due notice shall be given to the consumer. In the event the account is in the name of a tenant, the tenant shall be given notice also. The consumer shall immediately comply by having the lead base materials removed from the plumbing system and replaced with lead free material. If the lead base materials are not removed from the plumbing system within seven (7) days of the date of the notice, the water purveyor will have the right to discontinue water service to the premises and assess a \$100 fine on the owner of the property, or his representative. The owner will pay any fees assessed.

Definitions: The following definitions shall apply in the interpretation and enforcement of Section 625.032.

- 1.) "Consumer" means the owner (or person in control of any premises in the event the property is the estate of a deceased person) supplied by or in any manner connected to a public water system;
- 2.) "Lead base materials" means any material containing lead in excess of the quantities specified in Section (A) (B);

- 3.) "Lead Free" means:
  - (A) When used with respect to solder and flux, refers to solders and flux containing not more than 0.2 percent (0.2%) lead; and
  - (B) When used with respect to pipes and pipefittings, refers to pipes and pipefittings containing not more than eight percent (8.0%) lead.
- 4.) "Public drinking water system" means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Missouri Department of Natural Resources; and
- 5.) "Water Purveyor means the owner, operator or individual in responsible charge of a Public Water System.

No water service connection shall be installed or maintained to any premises where lead base materials were used in new construction or modifications of the drinking water plumbing after January, 1989.

If a premises is found to be in violation of this Section water service shall be discontinued until such time that the drinking water plumbing is lead free.

**SECTION 625.033: SEWER RATES**

A. Sewer Fee: All users of the Village sewer system shall pay a monthly fee for use of the system as set forth in this section, based on the average monthly amount of water consumed by the customer during the months of January, February and March of the current year. For customers using wells for water, a sewer rate shall be established based upon the average usage on the system for rate calculation plus 20%; or, in the alternative, the customer may install a meter, at their own costs, to be read. Customers moving into a residence after March will be charged \$35.00 per month until an accurate three months' usage can be determined. Customers who vacate their property for the winter will be charged the average usage for the remainder of the year.

B. Minimum Sewer Fee Imposed: There shall be a minimum fee for sewer services, as set out above, per month, on all residences, apartments or multiple family buildings, mobile homes, mobile home pads or lots with sewer connections available, whether such buildings or units are, in fact, discharging any sewage or otherwise using any services.

| New User Fee     |         |                |
|------------------|---------|----------------|
| Water Used (gal) |         | Existing rates |
| 1000             | \$19.88 | \$8.80         |
| 2000             | \$24.85 | \$8.80         |
| 3000             | \$29.83 | \$9.60         |
| 4000             | \$34.78 | \$11.20        |
| 5000             | \$39.78 | \$12.80        |

|                    |         |         |
|--------------------|---------|---------|
| 6000               | \$44.76 | \$14.40 |
| 7000               | \$49.74 | \$16.00 |
| 8000               | \$54.72 | \$17.60 |
| 9000               | \$59.69 | \$19.20 |
| 10000              | \$64.67 | \$20.80 |
| Minimum Charge     | \$14.90 |         |
| Cost per 1000 gal. | \$4.98  |         |

**SECTION 625.034: Damage or interruption of water or sewer services**

Any person, persons or entity who damage, intentionally or unintentionally, or disrupt the quality and/or flow of water through a water line or cause damage to a sewer line connected to the Village systems shall be liable to the City for reimbursement of the actual costs incurred by the City in repairing, replacing, flushing, retesting, or any other action required by the City to remedy damage or interruption of service so caused. The City Clerk shall have the authority to produce an itemized bill and forward same to the individual, individuals, or entity found to have caused said damage or interruption. Payment of said invoice shall be due and payable within fifteen (15) days of receipt thereof. Failure on the part of the individual, individuals, or entity to make a timely payment on said invoice shall result in the City’s ability to interrupt water service and/or sewer services of that individual, individuals, or entity, and, in addition thereto, to bring suit in the appropriate Court of Cole County, Missouri seeking full payment under the terms of Section 625.034.

**CHAPTER 626: Stormwater Management Guidelines for the Village of Wardsville**

**SECTION 626.010** The Board of Trustees of the Village of Wardsville adopts the following sections of the City of Jefferson, Missouri Code of Regulations, as revised December 31, 2001: Sections 31-5;31-6;31-7;31-8;31-11;31-13;31-14(A);31-15 and 31-16, and all sections relied upon therein. Any references therein to personnel positions not existing within the Village of Wardsville shall be deemed and interpreted to reflect the Village Engineer and/or Public Works Director. All sections are incorporated herein by reference said all development, construction, and other land disturbances undertaken in the Village of Wardsville for the date of this Section forward shall add up storm water management as contemplated in the sections adopted herein.

**SECTION 626.020** Any person found guilty of violating the provisions of this Section shall, upon conviction, be fined not more than five hundred dollars (\$500.00) and in addition shall pay all costs and expenses incurred in bringing any project affected into compliance with the terms hereof. Each day such violation continues shall be considered a separate offense Nothing herein

contained shall prevent the Village of Wardsville, or other appropriate authority, from taking such other lawful action as is necessary to prevent or remedy any violations.

**SECTION 626.030** Definitions: Unless specifically defined below, words or phrases in this section shall be interpreted so as to give them the meaning they have in common usages and to give this section its most reasonable application:

City: The City of Jefferson, Missouri

Council: The city council of the City of Jefferson, Missouri

Design year storm: The selected or established frequency or return period of rainfall time-duration for which drainage facilities are to be designed.

Detention basin: Any man-made area which serves as a means of controlling and storing stormwater runoff.

Developer: A person directing or participating in the direction of improvements on and/or to land, including, but not limited to, the owner of the land, a general contractor or a commercial agent engaged for such activity.

Development: Any change of land use or improvement on any parcel of land.

Director: The Director of Community Development or a delegated representative

Drainage basin (watersheds): The catchment area from which stormwater is carried off by a watercourse or storm drainage system. The area served by a drainage system receiving storm and other surface-borne water. The boundaries of a drainage basin are a product of natural topography and drainage system configuration.

Drainage Facility: A man-made structure or natural watercourse for the conveyance of stormwater runoff. Examples are channels, pipes, ditches, wales, catch basins and street gutters.

Dwelling unit: One or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.

Family: One or more persons related by blood, marriage or adoption, occupying a dwelling unit as an individual housekeeping organization. A family may not include more than two (2) persons not related by blood, marriage or adoption.

Impervious surface: Surfaces on real property where infiltration of storm water into the earth has been virtually eliminated by the works of man.

Improved Land: Land having improvements that are impervious to , or alter the flow of, stormwater within the limits of a platted, or otherwise distinguished, parcel of land.

Improvement: A structure on or other alteration of land.

Low-density residential: Individually platted lots containing two (2) or fewer dwelling unit.

Owner: Any person, firm, association, syndicate, partnership, corporation, trust, or any other entity having legal title to, or a sufficient proprietary interest to legally transfer, real property. Proprietary interest shall include, but not be limited to, estate administration, trusteeship, guardianship and actions under a valid power of attorney. Proprietary interest shall not include an agency or a bare employment relation.

Person: A natural person, corporation, partnership or other entity.

Storm drain: An improved storm drain is a closed conduit or paved open ditch for conducting collected stormwater. An unimproved storm drain is an open ditch, natural or specifically constructed for conveying collected stormwater.

Storm drainage design manual: A city manual for use by land developers in the design of storm drainage systems such as storm drains, culverts, streets, gutter flow hydraulics, natural drainage swales and storm inlets. The Storm drainage design manual may include drainage policy to be followed, standard design methods, computation forms and city standards.

Stormwater drainage system: All drainage facilities used for collecting and conducting stormwater to, through and from drainage areas to the points of final outlets including, but not limited to, any and all of the following: Conduits an appurtenant features, canals, ditches, streams, gullies, flumes, culverts, streets, gutters and pump stations.

Stormwater management plan: A city master plan describing the development of, and facilities required for, the stormwater drainage system and additional improvements and actions necessary to the management of stormwater drainage, entitled "City of Jefferson, Missouri Stormwater Management Plan," as approved by the council and from time to time amended.

Swale: A relatively wide, shallow ditch around or between structures used to carry stormwater runoff.

Unimproved land: Land in its natural state

Watercourse: A stream, usually flowing in a particular direction (though it need not flow continuously in a definite channel), having a bed or banks and usually discharging into some other stream or body of water.

#### **Sect. 626.040. Permit required**

- A. No stormwater drainage facility shall be constructed, altered or reconstructed without first obtaining a permit. All such construction shall comply with the general requirements and design procedures, as set forth in this chapter, and the criteria of the Storm Drainage Design Manual. Stormwater drainage facilities shall comport with the stormwater

management plan. No clearing, grading, borrowing or filling of land shall be done without obtaining a permit from the director.

- B. No clearing, grading, borrowing or filling of land shall be done without obtaining a permit from the director. All such work shall comport with the stormwater management plan. No permit may be issued pursuant to this subsection for clearing, grading, borrowing or filling of land on tracts greater than five (5) acres except in conjunction with a building permit issued in accordance with the provision of Chapter 8 of the Code of the City of Jefferson, Missouri, or in conjunction with an approved site development plan under C-4, M-3 or PUD zoning. Every permit issued under this subsection for clearing, grading, borrowing or filling of land not in conjunction with a building permit shall expire within one (1) year from the date of issuance.
- C. The director shall promulgate rules and regulations governing the issuance of the permits required by this section.

#### **SECTION 626.050. Duties of property owners and developers; detailed plan required.**

- A. Prior to the issuance by the city of a building permit for any low-density residential construction, the staff of the Department of Community Development and the department of planning and code enforcement shall visit the site and prepare the permit nothing any special conditions to be met for storm drainage. This shall be accomplished within three (3) working days after receipt of the application.
- B. Prior to the issuance by the city of a building permit for any other type of construction, the property owner, the developer or their agent shall have a detailed drainage plan approved by the director in accordance with this chapter. The property owner, developer or their agent shall, at this own expense, submit necessary plans, designs and specifications to the director for review and approval.
- C. Provisions of this section for plan requirement shall be waived provided no land is disturbed and no trees, shrubs, grass or vegetation is destroyed or removed for construction, reconstruction, repair or alteration of any building provided the improvement does not alter or increase the flow of water.

#### **SECTION 626.060. Inspection.**

The director or his designated representative may periodically inspect the development site. Through such periodic inspections the director shall ensure that the drainage plan is properly implemented and that the improvements are maintained by the developer or owner until such time if any maintenance is taken over by the city.

#### **SECTION 626.070. Easements and maintenance.**

Whenever improvements to land are made, easements for the stormwater drainage system shall be provided across private property. Easements through existing developments may be obtained as deemed necessary by the director. Drainage easements shall include access from a convenient public street. Maintenance of stormwater sewers, lined drainage channels, and related facilities located within public drainage easements shall be the responsibility of the city. The city may undertake all maintenance activities, deemed necessary by the director, of natural watercourses

and other unlined drainage channels located within public drainage easements; however, assumption of such maintenance activities does not relieve the property owner of the responsibility for normal maintenance including debris removal, cutting vegetation, repair of erosion and removal of silt. Maintenance of stormwater facilities located on private property and not within any public drainage easements shall be the responsibility of the property owners and shall include debris removal and cleaning, cutting of vegetation, repair of erosion, removal of silt and maintenance of structural facilities.

#### **SECTION 626.080. General requirements.**

The following shall be complied with in any development:

- A. Stormwater. Stormwater shall be carried in enclosed storm conduits or open channels on the basis of criteria established in this section, subject to final determination and approval of the director. It shall be understood that the requirements outlined in these standards are only minimum requirements.
- B. Open Channels. Open channels shall be located in drainage easements designed to provide a fifty-year floodplain. The developer may be required to pave a channel if such paving is necessary to attain ultimate design capacity or to stabilize the embankments and channel flowline. If the channel extends between buildings, consideration must be given to provide adequate protective measures such as paving the channel invert and side slopes, bank protection or fencing. Open channels in residential areas shall generally be located along the rear or side lot lines.
- C. Side line drainage. Storm drainage along the side lot lines of residential property for pipe sizes through twenty-four inch diameter shall be in conduit for the full length of the side lot line or the nearest natural drainage way of a larger tributary stream. Discharge protection shall be provided to minimize erosion and disperse flow.
  1. Storm drainage along the side lot lines of residential property for pipe sizes above twenty-four through forty-eight-inch diameter shall be in conduit to a point thirty (30) feet to the rear of the front building line or ten (10) feet beyond the rear line of the structure, whichever is greater. Extension of the system shall then be continued from this point the full length of the side lot line or to the nearest natural drainage way of a larger tributary stream with a stable ditch section.
  2. Storm drainage along the side lot line of residential property for pipe sizes above forty-eight-inch diameter shall be designed with a stable ditch section.
  3. In all instances, a surface swale shall be provided over the drainage system to contain at least a fifty (50)- year storm.
- D. Under roadways. Where culverts are placed under roadways, they shall extend to the limits of right-of-way or the toe of the roadway embankment if that distance is greater, and proper hydraulic structures shall be provided for dissipation of velocity to prevent erosion. Embankments shall be protected by riprapping or some other approved method to prevent erosion against a fifty (50)- year frequency storm.
- E. Future connections. Pipe drains or culverts constructed to intercept the flow of ditches or channels, which may be enclosed in a conduit at a future time, shall be laid at the required depth to permit their extension at the same required depth.

- F. Intersections. Curb inlets shall be installed at or near intersections where they are deemed necessary for the safety of pedestrian and vehicular traffic. Curb inlets shall be placed so as to intercept the stormwater before it reaches the crosswalks and no curb inlet shall be located within a crosswalk. The above is particularly important in commercially zoned areas and other areas of high pedestrian traffic and is considered desirable in all other areas.
- G. Drainage onto sidewalks. Tributary areas where sidewalks exist or are proposed, and which drain across a public sidewalk, must not exceed three thousand (3,000) square feet of impervious area, including roofs discharging upon paved areas, or nine thousand (9,000) square feet of sodded areas, or in proportional amounts for a combination of such areas. Paved, roofed or other impervious areas exceeding three thousand (3,000) square feet shall be provided with drains for discharge into storm conduit, channels, or street gutters.
- H. Downspouts. Downspouts shall be connected to the drainage system when possible by a method approved by the director. Where no system exists they shall not be directed to adjacent lots or structures. They shall not be discharged directly onto sidewalks or entrance ways.
- I. Flow toward streets. Any concentration of surface flow in excess of two (2) cubic feet per second (cfs) for the ten (10)-year frequency rain shall be intercepted before reaching the street right-of-way and shall be carried by an enclosed storm drain to connect with a drainage structure at the low point in the street right-of-way or to discharge to a watercourse.
- J. Parking lots and garages. Adequate provisions shall be made for the disposal of stormwater from parking lots and garages. Plans shall be submitted for approval to the director to ensure measures are taken to limit the flow of water onto adjoining property or adjacent sidewalks or streets in a quantity that would be detrimental to or inconvenient to persons using the streets or sidewalks.
- K. Detention basins. Detention basins shall be designed using state-of-the-art methods acceptable to the director. Detention basins shall be designed by a registered professional engineer or architect, authorized to practice in the State of Missouri, who shall provide a statement as to the characteristics of the achieved stormwater flow restrictions. If the basin is to be owned, operated or maintained by the city, only a registered professional engineer authorized to practice in the State of Missouri shall design such a basin and he shall be required to affix his seal, set forth I section 31-7(d)(8), but substituting the word “detention basin” for the word “drainage design,” to such a design.
- L. Easements. The minimum width of easements for stormwater drainage shall be fifteen (15) feet. Where a storm drain consists of a closed conduit, the width shall be the greater of fifteen (15) feet or the sum of the conduit.

**SECTION 626.090. Plan requirements.**

Drainage plans shall include the following:

- A. A boundary survey for unplatted parcels by a licensed surveyor.
- B. Detail defining the alignment, boundary and acreage of any natural drainage course, drainage facility or sub drainage area on the land in question.

- C. Detail drawing of profiles and specifications for construction of channels, conduits, detention ponds, culverts, bridges and all other drainage facilities reasonable necessary to ensure that flood and stormwaters, including drainage from other lands which will contribute runoff to the subject property, will be adequately drained, stores or otherwise controlled. Included in the drainage plan shall be a schedule containing the estimated dates of completion of construction for all stormwater drainage facilities shown on the drainage plan. If the drainage plan is approved and the building permit issued, the applicant shall comply with said schedule.
- D. Specific plan details shall include the following:
1. Plan sizes shall be twenty-four (24) inch by thirty-six (36) or twenty-two (22) inch by thirty-four (34) inch plan and profile. Minimum horizontal scale of 1" = 50' and vertical scale of 1"=10'
  2. The cover sheet key map of the entire project to scale 1"= 200', showing storm drains and facilities, both existing and to be constructed.
  3. Plans and profiles of each storm drain, showing location, size, design flow, flowline elevations, gradients, and materials; boring information and rock elevations along the proposed storm drain anywhere applicable; location, depths and sizes of adjacent or crossing wastewater lines and utilities; and special construction requirements such concrete cradle or encasement, backfill, size and class of pipe, etc.
  4. All elevations shall be based upon USGS datum with location noted of bench mark used.
  5. Typical cross-sections of swales, ditches, or channels.
  6. Details of special structures, culverts transitions, headwalls, aprons and junction chambers, all adequately detailed and dimensioned including placement of steel. Unless otherwise indicated, standard city structures are assumed where applicable.
  7. For all detention basin, if any, a plot of storage volumes with corresponding water surface elevations and of the basin outflow rates for those water surface elevations.
  8. The cover sheet shall contain the following certified statement by a registered professional engineer or architect.

I, a (registered professional engineer) (registered architect) authorized to practice in the State of Missouri, hereby certify that this plan for the drainage design of \_\_\_\_\_ was prepared by me or under my direct supervision in accordance with provisions of the Stormwater Drainage Design Manual for the owners thereof and I have hereto affixed my seal.

- E. A drainage area map showing topography shall be furnished for the development. For low-density residential development, this shall be in conformance with platting procedures. For any other development a drainage area map showing topography shall be furnished for the development. The scale of such maps to be as follows:

| <u>Acreage</u> | <u>Horizontal scale</u> | <u>Contour interval</u> |
|----------------|-------------------------|-------------------------|
| 0-10           |                         | 1"=50'                  |
| Over 10        | 1"=100'                 |                         |

- F. Design. The following basic design criteria shall be included:

1. Frequency of rainfall
  2. Percentage of imperviousness
  3. Runoff for drainage area.
  4. Time of concentration.
  5. Loadings.
  6. Other pertinent design criteria
- G. Design computations. The engineer or architect shall have detailed design computations available to support his design and shall submit them to, or review them with, the director.
- H. Drainage plans for property to be owned, operated or maintained by the city shall only be designed by a registered professional engineer who shall affix his seal to the plan as required by subsection (d) of this section

**SECTION 626.100. Design procedures.**

- A. The design procedures stipulated in the latest edition of the Storm Drainage Design Manual shall be followed insofar as they are applicable. Written justification for all deviations must be prepared and submitted in accordance with the variances procedures set forth in this chapter.
- B. All drainage plans shall meet the design requirements of any city ordinance regulating floodwater control and subdivision of land.

**SECTION 626.150. Construction requirements.**

- A. Location of structures. In addition to any other requirements set forth by ordinance for construction in designated flood hazard areas, the following restrictions for construction adjacent to all watercourses and other drainage facilities shall apply:
1. NO house or building and no other structure which is not floodproofed shall be constructed within thirty(30) feet of the top of the bank of a watercourse or other drainage facility nor shall any such structure be constructed with openings at an elevation below four (4) feet above the highest bank of a watercourse or top of other drainage facilities which traverse or are adjacent to the parcel being developed.
  2. The director may vary the above requirements upon visiting the building site for low-density residential construction or reviewing plans for any other construction should such revisions not diminish the overall intent of this chapter.
- B. Existing storm drains. No cuts shall be made nor fill deposited over existing storm drains nor shall existing storm rains be altered without the approval of the director.

**SECTION 626.200. Developments.**

- A. Conformance with stormwater management plan. Drainage plans submitted by developers must be developed in conformance with the stormwater management plan in effect at the time of the submission.
- B. Restriction of runoff. The city may require that storm drainage systems for tributary area upstream of existing storm drainage facilities include on-site stormwater detention facilities limiting the peak discharge to that which would have occurred for the existing

land use type prior to a zoning change or prior to development of the area. The city may waive such requirements for detention facilities when the developer makes satisfactory arrangements to improve or provide a downstream drainage system of adequate hydraulic capacity for peak rates of discharge to the system, including discharge from the developer's site, to a point downstream where the rate of total runoff from the site is ten (10) percent or less of the less of the total runoff rate conveyed by the downstream system measured at the time of system peak rate. The city may, at its option, also permit downstream system improvements and detention combinations that provide the same level of control.

- C. Stormwater management plan facilities. Drainage plans and facilities constructed by developers for developments encompassing more than forty-three thousand five hundred sixty (43,560) square feet in total area including areas not directly subject to improvements, must include any improvements not previously constructed, which are planned as part of the stormwater drainage system on the affected property pursuant to the stormwater management plan. For purposes of this paragraph, the stormwater management plan in effect at the time of submission of the drainage plan shall govern. Also for purposes of this paragraph, the affected property shall include any adjacent property under common ownership with, and within one hundred (100) feet of the limits of, the parcel of property being developed. Were the cost of such stormwater-related improvements exceeds ten (10) percent of the total cost of the development, excluding the cost of land , the developer may petition for city participation in financing and/or contribution to the funding of the improvements.
- D. Alternative improvements. In reviewing petitions for variances from the requirements of this section, the city with consider alternative improvements or types of improvements proposed by developers which the city deems to be equivalent for the purpose of stormwater management.

#### **SECTION 626.250. Interference and damage.**

No person shall damage or discharge or place any substance into the drainage system which will or may cause obstruction to flow or other interference with the operation of the stormwater drainage system. Any person violating this section or damaging the stormwater drainage system shall be liable to the city for all expense, loss or damage incurred by the city due to such violation or damage, in addition to any other penalties set forth herein.

#### **SECTION 626.300. Remedial work.**

If it is determined that development is not proceeding in accordance with the approved drainage plan, the director shall issue a written stop-work order to the developer detailing the nature and location of the noncompliance and specifying what remedial work is necessary to bring the project into compliance. The developer shall immediately stop work on all aspects of the development except the required remedial action, which shall begin. The developer shall complete the remedial work within a reasonable time after receipt of said order. Upon satisfactory completion of the remedial work, the director shall issue a notice of compliance and the development may proceed.

#### **SECTION 626.350. Variances.**

A. General provisions. Where undue hardships or practical difficulties may result from strict compliance with this chapter, the developer may petition for a variance. The director may recommend, and the council may approve, variances so that substantial justice may be done and the public interest secured; provided, that any such variance shall not have the effect of nullifying the intent and purpose of this chapter; and further provided, that the council shall not grant variances unless they find and determine that:

1. The granting of the variance will not be detrimental to the public safety, health or welfare, or injurious to other property or improvements.
2. The conditions upon which the request for a variance is based are unique to

the

property for which the variance is sought, are not applicable generally to other property and are not self-imposed.

3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if this chapter was strictly interpreted and carried out.

B. Conditions. In recommending variances and exceptions, the director may recommend and the council may require such conditions as will, in the judgment of each, secure substantially the objectives of the standards or requirements of this chapter.

C. Procedures. A petition for a variance shall be submitted at the time of filing for a preliminary plat or for application for building permit. The petition shall state fully the grounds for the request and all facts relied upon by the practitioner.

#### **SECTION 626.400. Enforcement, violations, penalties.**

A. Administering agency. The provisions of this chapter shall be administered and enforced by the director. The director shall prescribe forms for attainment of the purposes of this chapter and of the proper enforcement thereof. The director may delegate the administration of this chapter, or any part thereof, subject to limitations of the ordinances of the city, to duly qualified employees, deputies or agents of the city.

B. Violations and penalties. Any person found guilty of violating the provisions of this chapter shall upon conviction be fined not more than five hundred dollars (\$500.00) and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Jefferson, Missouri, or other appropriate authority, from taking such other lawful actions as is necessary to prevent or remedy any violation.

#### **SECTION 626.450. Limitations on liability.**

Floods from stormwater runoff may occur which exceed the capacity of stormwater drainage facilities constructed and maintained under this chapter. This chapter does not guarantee that property will always be free from stormwater flooding or flood damage. This chapter shall not create a liability on the part of, or cause of action against, the city or any officer or employee thereof for any flood damage. Neither does this chapter purport to reduce the need or the necessity for obtaining flood insurance.

#### **SECTION 626.500. Conditions, interpretation, conflict.**

A. Conditions. Regulation of stormwater drainage and the attachment of reasonable conditions thereto is an exercise of the valid police power delegated by the State of Missouri to the city. Property owners have the duty of compliance with reasonable policies, regulations, standards and conditions established by the city for design, constructions, improvement and restrictive use of the land so as to conform to the physical and economical development of the city, and to promote the health, safety and general welfare of the community at large.

B. Interpretation. The provisions of this chapter shall be the minimum requirements for the protection of the public health, safety and general welfare.

C. Conflict. Conflict with public and private provisions:

1. Public Provisions. Where any provision of this chapter imposes restrictions different from those imposed by any other law or regulation, whichever is more restrictive or imposes a higher standard shall control.

2. Private Provisions. This chapter is not intended to abrogate any easement, covenant, or any other private agreement or restrictions; provided, that where the provisions of this chapter are more restrictive or impose higher standards or regulations that such easement, covenant, or other private agreement or restriction, the requirements of this chapter shall govern. (Source: Ord. No. 145)

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## Chapter 650: Land use, Planning and Zoning and Building Permits

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### SUBCHAPTER A: ZONING REGULATIONS:

650.010 -

DEFINITIONS. For the purpose of this ordinance, the following words and terms as used herein are defined to mean the following:

*Accessory Building or Use:* A subordinate building having a use customarily incidental to and located on the lot occupied by the main building; or a use customarily incidental to the main use of the property.

*Agricultural Activity:* The growing of grains, hay or other crops and the raising of such poultry and stock as are incidental to the acreage farmed, provided, however, that such land shall consist of at least ten (10) acres in one parcel or in contiguous parcels under common ownership or operation. The storage of crops, grains, feed or other products shall be limited to those raised on or to be consumed on the premises. The disposal of community or collected garbage, the raising of fur-bearing animals, boarding stables, commercial feedlots, or slaughter-houses shall not so be considered.

*Alley:* A minor way affording secondary access to properties which otherwise abut on a street.

*Apartment:* A room or a suite or 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 or improvement designed or utilized exclusively for residential occupancy but which lies wholly or partially below the existing grade of the property on which said building or improvement is located and which was designed to or could serve as a basement for a dwelling. This definition shall not include sub-grade, energy-efficient dwellings.

*Building:* Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate pans by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except 35 regards minimum side yard requirements as hereinafter provided.

*Building, Height of:* The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the decline of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

*Club, Private:* A building or premises used for social, recreational, dining or philanthropic purposes, the normal use of which is limited to specific members, patrons or otherwise listed and enumerated persons.

*Commercial Feed Lot:* An area of land primarily devoted to buying, raising, feeding or selling of livestock under dry lot or confined conditions, where the operation is not part of normal agricultural activity.

*Court:* An open, unoccupied space, other than yard, bounded on three or more sides by exterior walls of a building, or by exterior walls of a building and lot lines on which walls are allowable.

*Day Care Facilities:* Those facilities providing care of a child away from his own home for any part of the 24-hour day, for compensation or otherwise, and as regulated by the Missouri Division of Family Services.

*Drive-In Establishments:* any restaurant, financial institution, or product vending enterprise where the patron does not enter and remain within a building during the transaction of his business.

*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 townhouses, but shall specifically not include hotels and basement homes. This definition shall specifically include sub-grade energy-efficient homes.

*Family:* One 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 together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit, cost-sharing basis.

*Governing Body:* The Board of Trustees of the Village of Wardsville Missouri.

*Home Occupation:* Customary home occupations including the professional office or studio of an architect, artist, dentist, doctor, engineer, lawyer, planner, scientist, teacher, beautician, barber or occupations such as handicraft, dressmaking, millinery, laundry, preserving and home cooking; provided that such occupations shall be conducted exclusively by resident occupant, that not more than one-quarter ( $\frac{1}{4}$ ) of the area of one (1) floor of said residence shall be used for such purposes, and that no structural alterations or constructions involving features not customarily found in dwellings are required. An unlighted sign of not more than one (1) square foot in area, and attached flag against the building, shall be permitted. No equipment shall be used which creates offensive noise, vibration, smoke, dust, odor, heat or glare. A home occupation shall not include the operation of a restaurant or auto body shop.

*Kennel:* Shall be the keeping of or harboring of a total of four or more adult dogs over the age of six months.

*Lot:* A parcel of land occupied or to be occupied by one main building; or unit group of buildings, and the accessory buildings or uses customarily incidental thereto, including such open spaces as are required under this Ordinance, and having frontage upon a public street. A lot as used herein may consist of one or more platted lots, or tracts as conveyed as parts thereof.

*Lot Corner:* A lot abutting upon 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 Zoning Inspector.

*Lot Lines:* The lines bounding a lot as defined herein.

*Lot Corner:* A lot abutting upon 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 Zoning Inspector.

*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 the most distant from the front street line; except that in the case of uncertainty, the Zoning Inspector 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, a 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 horizontal distance between sidelines, measured at the front building line.

*Mobile Home Court:* A tract of land where five or more mobile home spaces are offered for rent.

*Mobile Home:* A transportable dwelling unit built on a chassis and which has the following characteristics;

a. Designed for occupancy containing sleeping accommodations, flush toilet, tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

b. Designed to be transported fabrication on its own wheels.

c. Arrives at site where it is to be occupied as a dwelling unit complete with major appliances and furniture and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

*Mobile Home Space:* An area with utility connections which is occupied or designed to be occupied by an uninhabited mobile home.

*Modular Home:* To qualify as a modular home a dwelling unit must meet all the following criteria; the dwelling unit.

a. Arrives at its permanent erection site after fabrication on a wheeled dolly or flatbed;

b. Arrives at the site in two or more component parts which are permanently joined together at the site;

c. Is to be permanently attached to a permanent foundation. A modular home shall be deemed to be a standard single-family dwelling and shall be subject to all requirements of a single-family dwelling.

*Motel:* A building or buildings containing in the aggregate, on one undivided tract or parcel of land, a group of individual private units, each provided with separate sleeping room or rooms, having both lavatory and toilet facilities, designed and to be used primarily for transient guests.

*Non-Conforming Use:* Any building or land lawfully occupied by a use at the time of passage of this Ordinance which does not conform with the use regulations of the district within which it is located.

*Parking Space:* A surfaced area not less than nine (9) feet wide and twenty-two (22) feet long, either within a structure or in the open. The parking space must be served with a driveway which provides access to a street or alley.

*Restaurant:* A building wherein food is prepared and served to the public for consumption on the premises or delivery, where the sale of food, exclusive of the sale of liquor, wine or beer for consumption on the premises, constitute a majority of the sales made on or out of the premises.

*Rooming House:* A dwelling occupied by a resident family or resident occupant and three or more rent-paying persons.

*Sign:* Any words, numerals, figure, devices, designs or trademarks by which information is made known to the public outside a building.

*Street:* A public right-of-way which provides a public means of access to abutting property. The term street shall include avenue, drive, circle, court, road, parkway, boulevard, highway, traffic way, thoroughfare, or any other similar term.

*Street Line:* The dividing line between the street and the abutting property.

*Structure:* Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground; including, but not limited to signs, and excepting customary utility poles, retaining wall and boundary fences.

*Structural Alterations:* Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

*Sub-Grade. Energy-Efficient Dwelling:* A Building or improvement designed exclusively for residential occupancy, which lies wholly or partially below the existing grade of the property on; which said building or improvement is located, which is complete and finished in every respect and which is incapable of serving as a basement of a dwelling with floors which would lie entirely above grade.

*Truck Gardening:* The raising of food crops for use by the owner of the property on which the food crops are grown or for sale at retail by the owner of the property on which food crops are grown.

*Tavern:* A place where liquors are to be sold for consumption on the premises, where said sales constitute the majority of the sales made on the premises. Restaurants shall not constitute taverns for purposes of this ordinance.

*Variance:* A variation from a specific requirement in this Code, 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 any portion of a structure from 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 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 entirely from a front yard to the rear yard.

650.020 - GENERAL PROVISIONS, DISTRICTS AND BOUNDARIES. Except as hereafter provided:

(A) No buildings shall be erected, moved, constructed, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than that which is permitted in the district in which such building or land is situated.

(B) No building shall be erected, moved, extended, enlarged, reconstructed or structurally altered which violates the height, yard or area regulations established in this chapter for the district in which such building is situated.

(C) No lot area shall be reduced so that the yards or other open spaces shall be smaller than prescribed by this chapter, nor shall the density of population or dwelling units be increased in any manner, except in conformity with the area regulations established in this chapter.

(D) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on a lot except as otherwise provided in the Code.

(E) Any uses not herein addressed are subject to review by the Board of Trustees for the Village of Wardsville at regular monthly meetings.

(F) Districts. For the purpose of this Code, the Village of Wardsville is hereby divided into six

(G) Zoning districts to be known as follows:

1. District A - Agricultural District

2. District RS Single Family Residential District

3. District RM Multiple Family Residential District

District RM-2 Ownership Mobile Home Residential District

4. District C-1 Office Commercial District

5. District Merchant Commercial District

(G) District Boundaries:

1. The boundaries of the districts as enumerated above are shown upon the map designated as the Wardsville Zoning District Map. The Wardsville Zoning District Map and all notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if the district map and all the notations, references and other information shown thereon were all fully set forth or

described herein, the original of said district map is property attested and is on file with the Village Clerk of the Village of Wardsville.

2. Whenever any street, alley or other public way is vacated by official action, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center

of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district.

3. All territory which may hereafter be annexed to the Village of Wardsville shall automatically be placed in the A-Agricultural District until otherwise changed by ordinances.

4. Where uncertainty exists as to the boundaries of the districts as shown on the Wardsville Zoning District Map, the following rules shall apply:

(a) Boundaries indicated as approximately following the center line of streets, highways, alleys or other public rights-of-way shall be construed to be said boundary.

(b) Boundaries indicated as approximately following platted lot lines shall be construed to be said boundary.

(c) Boundaries that divide a lot or parcel of property, location of any such boundary shall be determined by the use of the scale appearing on such map.

(Source: Ord. 32)

#### 650.030 DISTRICT USB REGULATION

(A) District A Agricultural District. The A District is intended to provide a location for the land situated on the fringe of the urban area, within the city limits, that is used for agricultural purposes.

Permitted Uses. No building or land shall be used, and no building shall be hereafter constructed,

reconstructed or altered, except for one or more of the following uses:

1. Any use permitted in RS District.

2. Agricultural activity. Farming, dairy farming, poultry raising, livestock raising, pasturing of livestock, game birds and all uses commonly classed as agricultural, provided that any building, structure, or yard for the raising, feeding, pasturing, or housing of any livestock or poultry shall be located at least 100 feet from a residential district and further provided that there shall be no feeding or disposal of garbage, rubbish or offal, other than regular removal, within 500 feet of a residential district

3. Greenhouses or roadside stands for the sale or displays of agricultural products raised on the premises.

4. Private clubs, hospitals, sanitariums, and homes for the aged

5. Fish hatcheries, apiaries, aviaries, and kennels.

6. Fur farming, except skunks and civet cats.

7. Accessory uses, including repair shops, sheds, barns, silos, bunk houses, irrigation wells and pumps, incidental dwellings, buildings and structures customarily required for any of the above uses. One sign not to exceed sixteen (16) square feet shall be considered an accessory use.

(B) District RS Single-Family Residential District The RS District is intended and designed to provide for low density residential development. This district is designed to protect residential areas now developed with single-family, detached dwellings and adjoining vacant areas likely to be developed for such purposes. The regulations are designed to stabilize such areas and to promote a suitable environment for family life. Permitted Uses. No building or land shall be used, and no building shall be hereafter constructed, reconstructed or altered, except for one or more of the following uses:

1. One-family, detached dwellings.

2. Customary accessory buildings including private garages, Carports, pergolas, swimming pools, fireplaces, and similar accessory uses.
3. Public, private and parochial schools.
4. Public buildings erected by any public agency except those buildings used primarily for maintenance.
5. Electric sub-stations, public utility pumping stations, water and sewage treatment facilities, water storage facilities, and devices for the metering of electrical, gas or water services to dwellings.
6. Public parks, playgrounds, cemeteries, swimming pools, community centers, athletic fields and recreation buildings therein.
7. Churches or other places of worship, including religious education buildings or other associated structures. Church signs shall be a permitted use, except that no flashing beacon signs shall be permitted.
8. Agricultural uses, not including nurseries, but including truck gardening, provided that no offensive odors or dust are created, no livestock is housed within twenty-five (25) feet of a property line, and provided further that gross retail sales in excess of \$5,000 per year not be permitted on the premises. Neither commercial feed lots, slaughterhouses or kennels shall be permitted in this district
9. Temporary buildings to house offices, equipment storage or other functions incidental to construction and development activities, provided that such buildings shall be removed within eleven (11) months from the date of permit for their erection. A temporary building permit will be issued without charge by the Zoning Inspector upon application.
10. One sign not exceeding thirty-six (36) square feet in area referring to the construction, lease, hire or sale of a building, premise or subdivision lot which sign shall refer to the subdivision or property on which the sign is located and shall be removed as soon as the premises are sold or leased or construction is completed. No flashing signs shall be permitted.
11. Customary home occupations.
12. Sub-grade, energy-efficient dwellings.
13. Political signs not exceeding eight (8) square feet in area and not to be displayed more than twenty-one (21) days before any election. Such signs shall be removed within seven (7) days following an election.
14. Day care facilities.
15. No person shall construct in an RS District any residence or primary structure on a concrete slab or not having a basement level without first receiving the express authority of the Board of Trustees to do so. It is the intent of the Board of Trustees to dissuade the construction and use of single-level, multiple use structures, commonly known as a "shouse". Any such structure is found to be potentially damaging to the property values and enjoyment of neighboring properties and similarly zoned parcels of land.

(C) District RM Multiple Family Residential District. The RM Multiple-Family Residential District is designed specifically for duplexes, apartments, or dwellings in groups,

commonly referred to as “condominiums” or “townhouses.” Permitted uses. No building or land shall be used, and no building shall be hereafter constructed, reconstructed or altered, except for one or more of the following uses:

1. Any uses permitted in the RS District.
2. Apartment houses and condominiums.
3. Rooming and boarding houses, but not hotels or motels.
4. Nursing homes and homes for the aged.
5. Clubs, lodges and meeting places for other organizations.
6. Recreational facilities serving permitted uses within Section C.

(D) District RM-2- Ownership Mobile Home Residential District. The purpose of the Ownership Mobile Home Residential District is to give residents the opportunity to purchase lots and locate mobile homes in subdivision situated and designed specifically for mobile home living. Permitted Uses. No building or land shall be used, and no building shall be hereafter constructed, reconstructed or altered, except for one or more of the following uses:

1. Any use permitted in RS District.
2. Mobile home dwellings, single-family.

(E) District C-1 Office Commercial District. The C-1 District is designed to provide commercial space for recreational and business purposes of a service nature. Permitted Uses. No building or land shall be used, and no building shall be hereafter constructed, reconstructed or altered, except for one or more of the following uses:

1. Any use permitted in the RS District.
2. Medical and dental offices and clinics.
3. Parking structures and lots.
4. Professional offices and offices of financial, insurance, real estate and philanthropic organizations.
5. Veterinarian, animal hospital; provided all animals are housed in an enclosed building.
6. Banks and savings and loan companies.
7. Barber and beauty shops.
8. Funeral homes and mortuaries.
9. Any other use which is determined by the Board to be of the same general character as above permitted uses but not including any use which is permitted in the C-2 Merchant Commercial District.
10. Signs limited to those listing the name of products, activities, or sendees offered on the premises.
11. No flashing signs shall permitted.

(F) District C-2 Merchant; Commercial District. The C-2 District is designed to provide a space for commercial purposes, such as those associated with sale or rental of goods with a minimum of adverse effect on surrounding property

Permitted Uses. No building or land shall be used, and no building shall be hereafter constructed, reconstructed or altered, except for one or more of the following surrounding Property.

Permitted Uses. No building or land shall be used, and no building shall be hereafter constructed, reconstructed or altered, except for one or more of the following uses:

1. Any use permitted in the C-1 Office Commercial District.
2. Appliance stores.
3. Automotive parts sales establishments.
4. Bakeries whose products are sold at retail on the premises.
5. Clothing or wearing apparel shops.
6. Drug stores.
7. Frozen food locker.
8. Gift, florist, music stores, and pet stores.
9. Grocery store, supermarkets.
10. Laundry and dry-cleaning establishments.
11. Miscellaneous trades and businesses such as plumbing and heating, upholstering, sheet metal shops, sign paint shops.
12. Paint stores.
13. Printing, publishing and related trades.
14. Restaurants.
15. Shoe repair shops.
16. Stores or shops for the conducting of a convenience type retail business.
17. Storage buildings incidental to retails stores and service establishments.
18. Any other use which is determined by the Board to be of the same general character as above permitted uses but not including any use which is permitted in the C-3 General Commercial District
19. Signs limited to those listing the name of products, activities, or services offered on the premises.
20. No flashing signs shall be permitted.

(G) Conditional Uses. The following uses shall be permitted in any district only after the issuance of a conditional use permit.

1. Cemeteries, which may include mausoleums thereon, for humans.
2. Private lakes.

3. Private stables, limited to no more than four (4) animals in livery at all times.
4. Reservoirs, wells, water towers, filter beds, water supply plants or water pumping stations.

(H) Accessory Uses.

1. For any dwelling there shall be permitted one private garage with space for not more than one motor vehicle for each two thousand (2,000) square feet of lot area. Such garage shall be located not less than sixty (60) feet from the front lot line, nor less than three (3) feet from any side lot line, nor less than one foot from any alley line. When the rear lot line is common to a side or rear lot line of another lot, such garage must be located a minimum of three (3) feet from such rear lot line and for corner lots, not less than the distance required for residences from side streets. A garage may be constructed across a common lot line by mutual agreement between property owners. A garage constructed as an integral part of the main building shall be subject to the regulations affecting the main building, except that on a corner lot, a private garage, when attached to the main building and not exceeding the height of the main building, may extend into the required rear yard to a point not less than eighteen (18) feet from the rear lot line, and shall not occupy more than thirty (30) percent of the required rear yard. No part of a detached accessory building shall be closer than ten (10) feet to the main building.

2. For any dwelling there shall be permitted a private swimming pool(s). Such use shall be located not less than sixty (60) feet from the front lot line, nor less than three (3) feet from any side lot line, nor less than one (1) foot from any alley line. When the rear lot line is common to a side or rear lot line of another lot, such use must be located a minimum of three (3) feet from such rear lot line and for corner lots, not less than the distance required for residences from side streets. Such use may be constructed across a common lot line by mutual agreement between property owners. Such use constructed as an integral part of the main building shall be subject to the regulations affecting the main building, except that on a corner lot, such use, when attached to the main building and not exceeding the height of the main building, may extend into the required rear yard to a point not less than eighteen (18) feet from the rear lot line, and shall not occupy more than thirty (30) percent of the required rear yard. No part of such use shall be closer than ten (10) feet to the main building.

650.040 - DENSITY, YARD AND HEIGHT RESTRICTIONS.

(A) Lot Area.

1. District A-Agricultural District. The lot area for a lot in the Agricultural District shall not be less than (5) acres.

2. District RS Single-Family Residential District.

a. All lots: In addition to any other requirements of any other ordinance regarding lot sizes or building set backs, no dwelling, or other building for human habitation, shall be constructed on any lot located in a RS (Residential Single Family District) if said lot is less than thirteen thousand two hundred (13,200) square feet in size or if such lot has less than one hundred ten feet (110') of frontage along the front lot line.

b. In addition to any other requirements of other ordinances regarding lot sizes or building setbacks, no dwelling, or other building of human occupation, shall be constructed on any lot located in a RS (Residential Single Family) district if said lot is less than one acre in

size, unless the dwelling is connected to a public sewer system or a private sewer system regulated by the Missouri Public Service Commission.

3. Districts RM-Multiple Family Residential District and District RM-2 Ownership Mobile Home Residential District. lot area of a lot located in either the Multiple Family Residential District or the Ownership Mobile Home Residential District shall not be less than 5,000 square feet

4. Exception. Where a lot has less area than herein required in the district in which it is located at the time of the passage of this Ordinance, this regulation shall not prohibit the erection of a one-family dwelling.

a. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall not be less than 20,000 square feet per family, except wherein such lot lies in the Agricultural District.

(B) Lot Width.

1. District RS- Single Family Residential District. The width of a lot located in the single Family Residential District shall not be less than 110 feet at the building line.

2. District RM- Multiple Family Residential District and District RM-2 Ownership Mobile Home

Residential District. The Width of a lot located within either the Multiple Family Residential District or the Ownership Mobile Home Residential District shall not be less than 80 feet.

3. Exception. Where the width of a lot is less than herein required in the district in which it is located at the time of the passage of this Ordinance, this regulation shall be prohibit the erection of a one-family dwelling.

(C) Yards.

1. The minimum yard requirements for all Residential Districts shall be as follows:

(a) The front yard of any lot shall not be less than twenty-five (25) feet in depth.

(b) The rear yard of any lot shall be thirty percent (30%) of the lot depth, or twenty-five (25) feet, whichever is less.

2. Exceptions to the minimum requirements.

(a) Where the length of a block exceeds five hundred (500) feet and where lots comprising forty percent (40%) or more of the five hundred (500) feet of frontage are developed with buildings, the average of the existing front yards on the same side of the street shall be the established minimum front yard depth for the entire five hundred (500) feet of frontage; when the length of a block is less than five hundred (500) feet, the average of the existing yards shall be the established minimum front yard depth for the entire frontage of the block.

(b) Every part of a required yard or court shall be open from its lowest point to the sky, unobstructed except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, solar energy systems, ornamental features, and eaves. None of the above projections shall extend into a court more than six (6) inches nor into a minimum yard more than twenty-four (24) inches; and provided further, that canopies or open porches have a roof area not exceeding sixty (60) square feet may project a maximum of six (6) feet into the required front

yard. Open paved terraces may project not more than ten (10) feet into the front or rear yard, and existing open porches extending into a required yard shall not be enclosed.

(c) Fire escapes, solid floored balconies, and enclosed outside stairways may project not more than four (4) feet into any yard.

(d) A terrace garage may be located in a front or side yard, provided that it is completely recessed into the terrace, and that the height of the terrace is sufficient to cover and conceal the structure from above, and further that the doors, when open, shall not project beyond any property line, and that the structure be set back at least four (4) feet from the front property line.

(e) In any residential district, a detached accessory building shall not:

- a. Exceed twenty-four (24) feet in height;
- b. Be higher than the main building; or
- c. Occupy more than thirty (30) percent of a rear yard.

A detached accessory building may be connected with the main building by a lightly constructed, covered passage, open on each side, not more than six (6) feet wide inside, the roof of which is not more than twelve (12) feet high at its highest point, and is not an extension of the roof of the main building.

(f) Filling station pumps may occupy required yards provided that they are not less than fifteen (15) feet from all lot lines.

(D) Building Height. No building or structure in any district shall be hereinafter constructed, reconstructed or altered which exceeds the maximum height of thirty-five (35) feet.

1. Exceptions.

(a) Television and radio towers, church spires, belfries, monuments, water towers, chimneys, stacks, flagpoles and other similar structures may be erected to such height as may be authorized by the Board of Trustees.

(b) Buildings in all districts may be increased in height provided that each yard is increased by one foot for each foot in height which exceeds the height requirement for the particular district. Dwellings which are increased in height shall not exceed more than ten (10) feet of the height limitations for the district in which it is located.

(E.) Vision clearance. On any corner lot on which a front or side yard is required, no wall, fence, sign or other structure or not plant growth of a type which would interfere with traffic visibility across the corner, shall be permitted or maintained higher than three (3) feet above the curb level, within fifteen (15) feet of the intersection of the street right-of-way lines.

650.045 - NONCONFORMING USES.

(A) 'The lawful use of land existing at the time of passage of this ordinance, or annexation, although such use does not conform to the provisions hereof, may be continued, but if such nonconforming use is discontinued, any future use of such premises shall be in conformity with the provisions of this chapter.

(B) The lawful use of a building existing at the time of the passage of this article may be continued, although such use does not conform with the provisions hereof and such use may be extended throughout the building, provided no structural alterations, except those required by law or ordinance, are made therein. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification.

(C) A nonconforming use, if changed to a conforming use or more restricted nonconforming use, may not thereafter be changed back to a less restricted use than that to which it was changed. If any property is hereafter transferred to a more restrictive district by a change in the district boundaries, or the regulations and restrictions in any district are made more restrictive or of a higher classification by amendment to this chapter, the premises of this chapter relating to the nonconforming use of buildings or premises existing at the time of passage of this chapter shall apply to buildings or premises occupied or used at the time of the passage of such an amendment.

(D) Repairs and alterations may be made to a nonconforming building, provided that no structural alterations or extensions shall be made, except those required by law or ordinance, unless the it is changed to a conforming use.

(E) Restoration of Existing Buildings. Nothing in this article shall prevent the restoration of a nonconforming building partly destroyed by fire, explosion, act of God, or act of the public enemy, subsequent to the passage of this chapter, or prevent the continuance of the use of such building or part thereof, or prevent a change of such existing use under the limitations provided herein, provided such building is not destroyed to the extent of more than seventy-five (75) percent of its reasonable valuation, exclusive of foundations. This chapter shall prevent the restoration of such nonconforming building so damaged for more than seventy-five (75) percent of the reasonable valuation, and shall prevent the continuance of the use of such building or part thereof as such use existed at the time of such damage, and shall prevent a change of such existing use under the limitations provided by this chapter.

#### 650.050 ADMINISTRATION.

##### (A) Conditional Use Permit Procedure.

1. Purpose. It is the purpose of this section to provide for conditional use permits which may be granted only for uses expressly listed in the conditional use subsections of the zoning districts established in this chapter.

2. Application. Application for a conditional use permit shall be made to the Board of Trustees and shall be accompanied by the following:

- (a) A completed application form.
- (b) A fee, the amount to be determined by the Board of Trustees, to cover legal advertising costs.
- (c) An accurate legal description of the subject property.

(d) Plans or other evidence, as appropriate, that support the conclusions set forth in subsection (c).

3. The applicant shall submit the completed application to the Village Clerk. The Village Clerk shall then refer the application to the Board of Trustees who shall review the request to determine its compliance with the provisions of this chapter. The Village Clerk shall handle all notification procedure.

4. Board shall hold a public hearing on the application.

5. After giving due consideration to the following standards, the Board may grant a conditional use permit stipulating any conditions deemed necessary to carry out the provisions and intent of this chapter:

(a) The proposed conditional use is in compliance with all regulations of the applicable zoning district.

(b) The proposed conditional use will be in conformance with the character of the adjacent area, within the same zoning district, in which it is located. In making such a determination, consideration may be given to the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site.

(c) Adequate utilities, drainage, and other such facilities are provided.

(d) Adequate access is provided and is designed to prevent traffic hazards and congestion.

6. Duty to Comply with Other Laws. Approval and issuance of such permit shall not be deemed to relieve the permitted of the duty to comply with the provisions of other laws and ordinances.

7. Violation. The violation of any condition imposed by the conditional use permit shall constitute a violation of this chapter.

8. Tenure of Permit. The granting of a conditional use permit is to allow that use on the specific site. If the use is not substantially altered, it shall be allowed on the site regardless of ownership. A conditional use permit may not be transferred to any other site.

9. Amendment. Amendment or addition to any conditional use permit is subject to the same procedures as those which apply to a new application.

(B) Enforcement. It shall be the duty of the director of public works to enforce the provisions of this chapter and to refuse to issue any building permit for any building which would violate any of the provisions hereof, and such director of public works, or any deputy or inspector working under his direction, by and with the consent of the director of public works, is hereby authorized and instructed to arrest, prosecute, or bring any proceedings in a proper court in the name of the city against any person violating any terms of this chapter. In case any building is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building or land is used in violation of this chapter, such director of public works is hereby authorized and directed to institute any appropriate action or proceeding to prevent such unlawful erection, maintenance, construction, reconstruction, alteration, repair, conversion, or use; to

restrain, correct or abate such violation, to prevent the occupancy of such building or land, or to prevent any illegal act, conduct, business or use in or about such premises.

(C) Violation and Penalties.

1. In case any building is erected, constructed, reconstructed, altered, convened or maintained, or any building or land is used in violation of this chapter, the proper local authorities of the Village, in addition to the other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of such building 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 Trustees, which is empowered to cause any building, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or in violation of any provision of this chapter enumerated herein.

2. The owner or general agent of a building or premises where a violation of any provision of the regulations of this chapter has been committed or shall exist, or the lessees or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any buildings or premises in which any such violation shall exist, shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each and every day that such violation continues. If the offense be willful, on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than two hundred fifty dollars (\$250.00) for each and every day that such violation shall continue, by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment, in the discretion of the court. Any such person who, having been served with an order to remove any such violation, shall fail to comply with such order within ten (10) days after such service, or shall continue to violate any provision of the regulations made under authority of this chapter in the respect named in such order, shall also be subject to a civil penalty of two hundred dollars (\$250.00).

650.060 INTERPRETATION.

(A) Conflict of Law. In interpreting and applying the provisions of this chapter, these provisions shall be held to be the minimum requirements for the promotion of health, safety or general welfare. Whenever this chapter requires a greater width or size or yards, courts, or other open spaces, requires a lower height of building, requires a greater percentage of lot to be left unoccupied, or imposes higher standards than are required in any other statute or local ordinance or regulations, the regulations of this chapter shall govern. Whenever the provisions of any other statute or local ordinance or regulations, the regulations of this chapter shall govern. Whenever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts, or other open spaces, require a lower height of buildings, require a greater percentage of lot to be left unoccupied, or impose other higher standards than

are required by the regulations of this chapter, the provisions of such statute, local ordinance or regulation shall govern.

(B) Savings Clause. All rights or remedies of the Village are expressly saved as to any and all violations of any zoning ordinance or amendments thereto, of such Village and that have accrued at the time of the effective date of this ordinance, and as to such accrued violation the court shall have all the powers that existed prior to the effective date of this ordinance, and that all existing violations of previous zoning ordinances which would otherwise become nonconforming uses under this chapter shall be considered as violations of this chapter in the same manner that they were violations of prior zoning ordinances of such Village.

#### 650.070 VALIDITY.

In case any portion of this chapter shall be held to be invalid or unconstitutional, the remainder of this chapter shall not thereby be invalid, but shall be in full force and effect, or in case any portion of the zoning district map shall be held to be invalid, the remainder of said map shall not be invalidated thereby.

#### 650.080 AMENDMENTS

1. Applications for amendment, revision, or change of the Wardsville Zoning District Map may be made by any person, or his agent, who owns the land sought to be rezoned. If such application is made by the owner's agent, such agent shall either upon the application the name and current mailing address of the owner. Such application shall be made upon forms prescribed by the Commission and duly filed with the Commission.

2. Applications: for amendment, revision, or change of any of the rules, regulations, or provisions of the text of the zoning ordinances may be made by any interested person on forms prescribed by The Commission and duly filed with the Commission.

3. A filing fee deposit of One Hundred Fifty Dollars (\$150.00) shall accompany said application, which filing fee shall constitute an advance deposit to cover actual publication and recording expenses associated with said application. The actual costs of publishing notice of the proceeding and of recording and transcribing the transcript of such shall be the responsibility of the applicant. In the event that these actual costs exceed the amount of said filing fee deposited, then the applicant shall forthwith pay any such additional amounts to the Village of Wardsville, Missouri. In the event that the filing fee deposit provided for herein exceeds actual publication and recording costs, then the Village of Wardsville shall refund to the applicant the amount of such deposit not necessary to cover all such expenses. This fee shall be refunded in full if the application is 'withdrawn before the first hearing notice is placed for publication.

4. All applications shall be filed with the Commission at any regularly scheduled meeting thereof. Upon receipt of any application, the Commission shall note thereon the date of filing and make a permanent record thereof. All such applications shall be set don't for hearing at the next regularly scheduled meeting of the Commission. Any such hearing may, for good cause, at the request of the applicant or in the discretion of the Commission, be continued. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation within the Village of Wardsville.

5. Upon the final hearing of such application the Commission shall make a written report with a recommendation for final approval or denial of the application by the Board of Trustees.

6. Before acting upon any application for amendment the Board of Trustees shall set a time and place for a hearing thereon, and at least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Village of Wardsville.

7. Recommendations for revision, or amendment of the zoning or building ordinances, including the zoning district map, may also be made by the Commission upon its own motion for final determination by the Board of Trustees; likewise, the Board of Trustees may revise, modify, or amend this Chapter, including the zoning district map upon its own motion provided, however, such proposed changes shall first be submitted to the Commission for recommendations and report. In either case, final action thereon shall be taken only upon notice and hearing, as provided herein.

8. In case a protest against such revision or amendment is presented duly signed and acknowledged by the owners of ten (10) percent or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change, or within an arm 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 revision or amendment shall not become effective except by the favorable vote of three fourths (3/4) of all of the members of the Board of Trustees.

9. Notwithstanding any other provision of the ordinances, no public hearing shall be required before final passage of any proposed amendment to the zoning and building ordinances unless such proposed amendment is designed to change or create a boundary of a zoning district or to change or create restrictions on erection, construction, reconstruction, alteration or use of buildings, structures or land.

## SUBCHAPTER B: THE PLANNING AND ZONING COMMISSION

### 650.100 Board of Adjustment Created

1. Appointment. Zoning Board of Adjustment, hereinafter called the "Board" is hereby created. The Board shall consist of five (5) qualified voters of Wardsville appointed by the Board of Aldermen, for terms of five (5) years, except that of the first appointed, one (1) shall serve for one (1) year, two (2) for two (2) years, and two (2) for three (3) years. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Members of the Board shall serve without on and each member shall serve until his successor is appointed and qualified Members of the Board shall be removable for cause upon mittin charges and after public hearings. The Board of Trustees may also appoint alternates who shall serve and vote whenever any member is unable to attend or vote.

2. Procedure. The Board shall organize and elect a chairman, vice chairman, and secretary from its membership to serve for the duration of his term. The Board shall then adopt rules for its own government in accordance with this Chapter and Sections 89.010-89.140 RSMo. Meetings shall be held at the call of the chairman and at such times as the Board deems advisable. The chairman, or in his absence the vice chairman, may administer oaths and the

Board may compel the attendance of witnesses. All meeting of the Board shall be open to the public. The secretary shall keep minutes of the proceedings indicating the vote of each member on each question, or if absent or failing to vote, so note. The secretary shall keep records of the Board's examinations and other official actions all of which are to be immediately filed in the office of the Board and become public record. All testimony, objections thereto, and ruling thereon, shall be taken down by a reporter employed by the Board for that purpose. The secretary shall conduct all official correspondence and supervise the clerical work of the Board Four (4) members of the Board shall constitute a quorum. The Board shall act by resolution, and the concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, of determination of any administrative official of the city, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to affect any variation in such ordinance.

3. Powers of the Board. The Board shall have the following powers:

a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administration official, in the enforcement of the Building and Zoning ordinances of the Village of Wardsville.

b. To hear and decide all matters referred to it or upon which it is required to pass under the Building and Zoning ordinances of the Village of Wardsville.

c. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the ordinances, to vary or modify the application of any of the regulations or provisions of the Ordinances relating to the construction or alteration of buildings or structures or the use of land so that the of the illegality. Such petition must be presented to the court within thirty (30) days after the filing of the decision in the office of the Board, and thereafter proceedings shall be had thereon as provided by Sections 89.010 to 89.140 RSMo.

650.105 Interpretation and conflict with other laws.

In interpreting and applying the provisions of the Zoning and Building, they shall be held in the minimum requirements for the promotion of the health, safety, morals, or general welfare.

650.110 Violation and penalty.

1. In case any structure is erected, constructed, or reconstructed, altered, convened, or maintained or any building, structure, or land is used in violation of the ordinances, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings prevent such unlawful erection, 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.

2. The owner or general agent of a building or premises where a violation of any provision of the zoning and building ordinances has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premises where such violation has been committed or shall exist, or general agent, architect, builder, contractor, of any other person who permits takes part or assists in any such violation or who maintains any building or

premises in which any such violation shall exist shall be subject to a fine of not less than Ten Dollars (\$10.00) and not more than One Hundred Dollars (\$100.00) for each and every day that such violation continues after due notice as provided herein, but if the offense be willful, on conviction thereof, the punishment shall be a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00) for each and every day that such violation shall continue. Any person who, having been served with an order to remove any such violation, shall fail to comply with such order within ten days After such service or shall continue to violate any provision of the regulations made under authority of the ordinances in the respect named in such order, shall also be subject to a civil penalty of Two Hundred my Dollars (\$250.00).

#### SUBCHAPTER C: BUILDING AND LAND USE PERMITS

650.300 Building Permits Required, when it shall be unlawful to construct or alter, or to commence the construction or alteration of a building or structure, without first filing with the Zoning Inspector an application in writing and obtaining a formal building permit. A building permit shall be required for all new construction and for alterations which increase the sine of an existing structure. A building permit is not needed for painting; roofing; the making of normal repairs; the adding of storm windows, guttering or new siding; or interior remodeling.

650.310 Land Use Permits Required, when- A land use permit must be obtained from the Zoning Inspector for any commercial or Industrial use of land on which no building or structure is to be erected.

650.320 Application for a Permit- An application for a permit shall be submitted in such form as the Zoning Inspector may prescribe. Such applications shall describe briefly the proposed work and shall give such additional information as may be required by the Zoning Inspector for any intelligent understanding of the proposed work. Such applications shall be accompanied by payment of such fees as the Board of Trustees may establish. There should also be filed a plot diagram in the form and size suitable for filing permanently with the permanent record, drawn to scale, with all dimensions figured, showing accurately the size and exact location of all proposed new construction and of all existing buildings. Where no building or structure is to be erected the applicant shall state on the application for a permit, the nature of the proposed use of the land.

650.330 Exception for Accessory Building A building permit shall not be required under this ordinance for any accessory building not exceeding eighty (80) square feet in size, which accessory building is not affixed to a permanent foundation; provided, however, that only one such accessory building can be constructed on any parcel of ground under common ownership without a building permit.

650.340 Amendments to Applications Nothing in this section shall prohibit the filing of amendments to an application at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed and be deemed a part of the original application.

650.345 It shall be unlawful for any person or entity to connect a driveway, road, lane, parking lot, entryway or other paved or gravel addition to any existing street or roadway within the Village of Wardsville without first receiving the express approval, by majority vote, of the Board of Trustees. Any such connection that is shown on a subdivision plat approved by the Board of

Trustees shall not require further approval hereunder. Any such connection which occurs without approval as contemplated herein shall be unlawful, and the owner of the property connecting to said street shall be subject to a fine of not less than \$100 nor more than \$500 for such unlawful connection. Each 24 hour period that such connection exists without receiving the approval of the Board of Trustees shall serve as a separate violation hereof.

650.350 Action on Application- If after examination of the application for permit, the Zoning Inspector finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he shall approve such application and shall issue a permit for the proposed work as soon as practical. If his examination reveals otherwise, he will reject the application, noting his finding in a report to be attached to the application and delivering a copy to the applicant.

650.360 Conditions of the Permit All work performed under a permit issued by the Zoning Inspector shall conform to the approved application and plans, and approved amendments thereof. The location of all new construction is shown on the approved plot diagram or an approved amendment thereof, shall be strictly adhered to. It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram, showing the proposed change and conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement It shall be unlawful to change the use of land for which the land-use permit has been issued until a revised land-use permit has been obtained. Construction of the building or structure must be commenced within six (6) months of issuance of the permit and construction must be completed within twelve (12) months of the date of issuance of the building permit.

650.370 Revocation In addition to any other rights and remedies available to the Village of Wardsville at law or equity, the Zoning Inspector may revoke a permit or approval issued under the provisions of this chapter in the event the work performed fails to conform with the permit or any conditions of the permit as described in Section 8 of this ordinance and the Zoning Inspector shall revoke any permit or approval issued under the provisions of this chapter where there has been any false statement or misrepresentation as to a material fact in the application or plans on the permit or approval was based.

650.380 Occupancy Permits, procedure- Upon the completion of any construction or alteration of a building or structure for which a building permit has been issued, the person to whom the building permit was issued or his shall notify the Zoning Inspector that said construction or alteration has been completed. Additionally the person to whom the building permit was issued or his representative shall provide the zoning inspector with written opinions from a duly qualified electrician and a duly qualified plumber that the construction as completed complies fully with all applicable requirements of the Village of Wardsville with respect to electrical and plumbing work, if-any. The city clerk shall maintain a list of duly qualified electricians and plumbers acceptable to the city who have provided the city with documentation of sufficient education, training, and experience and familiarity with the city electrical and plumbing codes sufficient to perform inspections and render the opinions required by this section. All persons with a license, and in good standing, issued by the City of Jefferson, Missouri, shall be added to the list of qualified persons upon written request. The Zoning

Inspector shall review said inspection reports and opinions and if all requirements of this chapter have been complied with fully, the Zoning Inspector shall issue a certificate of occupancy said person.

650.390 Occupancy Permit Required- No person shall occupy a building or structure for which a building permit is required or has been issued without first obtaining a certificate of occupancy for said building or structure.

650.400 On-Site Sewage Disposal Systems- No occupancy permit shall be granted for any house, building, or property used for human employment, recreation, or other purposes, situated within the Village unless such house, building or other structure has suitable toilet facilities therein and that such facilities are connected directly with a proper public sewer in accordance with the ordinances of the Village. If no public sewer is located on any street alley, or right-of way abutting the property in question, then in lieu of connecting with the proper public sanitary sewer the owner may connect with an on-site sewage facility provided however that before any occupancy permit shall be granted the owner of the property shall obtain a permit from the Missouri State Department of Natural Resources or Cole County for operation of such an on-site sewage facility.

650.410 Violations of this Sub-chapter shall be punishable by a fine not to exceed \$500.00. Each date that a violation exists shall be punishable as a separate offense.

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**Chapter 700: TATTOO PARLORS**

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**SECTION 700.010. - Penalty.**

Any violation of any provision of this article shall, upon conviction thereof, be subject to punishment of a fine assessed upon the owner of the establishment and/or the individual(s) committing the violation in an amount up to \$500 per violation. Each section found to be violated shall constitute a separate violation, and each day in which the violation exists shall be treated as a separate violation for these purposes.

**SECTION 700.020. - Suspension of permit or license.**

If, after investigation, the Board of Trustees should find that the permittee or license holder under this article is in violation of this article, he may suspend the permit or license.

**SECTION 700.030. - Appeals.**

Any person aggrieved shall have the right to a hearing of any denial, revocation or suspension of a license or permit under this article before the administrative hearing officer. For purposes of this section, the administrative hearing officer shall be the City Attorney, except, if the City Attorney cannot serve, the Chairman of the Board of Trustees is hereby authorized to appoint another person to serve in this capacity. The appeal shall be taken upon a written notice and a deposit of \$100.00 to the Clerk of the city. The hearing shall be within ten days of the notice of appeal. The administrative hearing officer shall act upon the appeal within 15 days of the hearing.

**SECTION 700.040. - Removal of tattoos.**

No tattoo establishment may attempt to remove a tattoo from any person, or allow such a procedure to take place on its premises.

**SECTION 700.050. - Health and sanitation requirements for operators.**

- (a) The tattoo operator shall be free from all communicable disease while administering tattoos, and must have no pustular skin lesions.
- (b) No activities shall occur that may contaminate the tattoo operator's hands or the sterile environment while tattoos are being given. This would include the use of any form of tobacco, eating or drinking.
- (c) The tattoo operator shall wear a clean, easily cleanable short-sleeved smock while administering a tattoo.
- (d) Before administering a tattoo, the tattoo operator must thoroughly wash his hands in hot water utilizing germicidal soap and a nail brush. Hands must be dried using disposable paper towels from an approved dispenser or a warm air drying machine. The operator must wear surgical-style latex gloves while applying a tattoo.
- (e) The tattoo operator, while on duty, must wear effective hair restraints if hair is over the ears, shall have clean fingernails, shall wear a surgical-style face mask and must pay particular attention to personal hygiene.

**SECTION 700.060. - Prerequisites for tattooing; required records.**

No tattoo shall be administered except by conforming to all of the following:

(1) Age. No tattoo shall be administered to any person less than 18 years old. Where there is doubt about such age, the tattooist shall obtain proof of age before the tattoo is done.

(2) Notice of permanency. Before administering a tattoo, the patron shall be advised that the tattoo should be considered permanent, that it can be only removed with a surgical procedure, and that any effective removal will leave permanent scarring and disfigurement. A written cautionary notice to that effect shall be furnished to and signed by the patron.

(3) Skin condition. The skin surface to be tattooed shall be free of rash, pimples, infection or recent (less than two years) scar tissue. The patron must be in apparent good health, and the skin to be tattooed generally in a healthy condition to all appearances.

(4) Sobriety of patron. Tattoos shall not be administered to any person under the influence of drugs or alcohol, and the tattooist is charged with the responsibility of making reasonable observation and inquiry to assure him that the patron is in fact sober and not under the influence of drugs.

(5) Food, drink and smoking prohibited. The patron shall not bring food or drink into a tattooing area, and shall not smoke during the operation.

(6) Prior jaundice or hepatitis. The patron shall be asked, before the operation, whether he has had a history of jaundice or hepatitis within 12 months preceding that date. If the answer is in the affirmative, the tattoo operation must not be performed.

(7) Required records. The tattoo establishment shall keep a permanent record of all patrons tattooed, stating the patron's name, age and address, the date of the tattoo, the operator's name, the place where tattooed, and a description of the design of the tattoo. Such records shall be made available to the department of health and welfare upon request, and shall be in the following form, which shall be signed by the patron and the tattoo operator:

Date .....

I, the undersigned, realize that a tattoo is permanent, that it can only be removed with a surgical procedure, and that any effective removal will leave permanent scarring and disfigurement.

Name .....

Address .....

Date of Birth .....

Have you had jaundice or hepatitis within the last 12 months?

Yes \_\_\_\_\_ No \_\_\_\_\_

.....

Patron

Tattoo .....

Area of Body .....

Price .....

.....

Tattoo Operator

### **SECTION 700.070. - Tattoo procedure.**

The minimum required procedure for administering a tattoo shall be as follows:

- (1) The skin surrounding the area where the tattoo is to be placed shall first be washed with germicidal soap and then shaved. Following shaving, the skin must be gently scrubbed with 70 percent isopropyl alcohol, of commercial grade, using a sterile gauze pad, which shall be disposed of after use.
- (2) All acetate tattoo stencils shall be cleaned with 70 percent isopropyl alcohol, or individual transfers of tattoo designs shall be used once and discarded.
- (3) The instruments used in administering the tattoo, including stainless steel hand pieces, needle bars, needles and razor blade holders, shall be cleaned thoroughly after each use by scrubbing with soap and hot water.
- (4) After thoroughly cleaning the individual tubes and needles, setups, including such items as needles, needle bars, tubes, reusable razors, etc., must be sterilized in an autoclave for a minimum of 30 minutes at 251 degrees Fahrenheit. Sealable temperature-indicating pouches must be used for individual pieces of tattooing equipment during the sterilization process and for sanitary storage of these items after the sterilization process and for sanitary storage of these items after sterilization until use. The tattoo parlor shall provide written documentation of a quarterly evaluation of sterilization unit function. This evaluation shall be conducted by an outside quality assurance firm approved by the community health director and/or his designee.
- (5) All instruments and needles should be stored in a closed metal or glass container.
- (6) Individual razor blades (disposable) are highly recommended to reduce the possibility of contamination when shaving the area to be tattooed. If a straight razor is used, then it must be sterilized between each use by autoclaving.
- (7) Any infection resulting from the tattoo operation which becomes known to the tattooist shall be immediately reported in writing to the department of health and welfare.
- (8) Tattoos shall be bandaged with a nonstick type bandage when the tattoo is finished.

(9) Individual cups of ink shall be used for each patron and be discarded after use. All inks and other equipment used in the tattooing process must be safe for use in tattooing and generally intended for the purpose of tattooing.

(10) Written instructions regarding the proper care of the tattooed skin as a precaution against infections shall be provided to each patron following the operation, which shall be in the following form:

Tattooing  
Care Of Your New Tattoo

1. Remove the Telfa bandage 24 hours after leaving the studio. Do not apply another bandage.
2. Gently wipe off any excess ointment with a piece of sterile gauze or cotton. Wash with mild soap and water.
3. Apply an antibiotic ointment over the tattoo four or five times daily until the tattoo is completely healed.
4. A protective scab will form on your tattoo. It is very important not to pick or tamper with it. It is there for your protection and will fall off by itself in six or seven days.
5. Keep your tattoo as dry as possible. Wash the tattoo gently and blot dry after bathing. Do not let water from a shower spray directly on the tattoo. Do not soak the scab off when bathing.
6. Keep your tattoo out of the sun until it is healed. A sunburned tattoo is slow to heal.
7. Avoid recreational water activities (chlorine pools, swimming in rivers or lakes, using spas, etc.) until the tattoo is completely healed.
8. If you work around oil or dust be sure to wear a garment heavy enough to protect it while it is healing.

You were tattooed in a clean studio. Sterile tubes and needles are used along with individual ink services. Everything is carefully autoclaved. The success of your tattoo is up to you after you leave the studio. If you have any questions don't hesitate to ask.

**SECTION 700.080. - Sanitation of premises.**

All tattoo establishments shall comply with the following requirements:

- (1) Tattoo establishments shall be well lit, with not less than 20 foot-candles of light in the tattoo area and ten foot-candles in the remaining area.

- (2) The establishment shall be at least 100 square feet minimum to accommodate required equipment and business done therein.
- (3) Walls, floors and ceilings shall be clean and in good repair and maintained in a clean condition. The tattooing area and restrooms shall have smooth, washable surfaces.
- (4) A hand-washing sink with hot and cold water, disposable towels in a dispenser and germicidal hand soap must be located within each tattoo booth or enclosure and must be conveniently located. At least one restroom must be provided with a toilet and hand-washing sink equipped as described in the preceding sentence. The restroom shall be mechanically vented to the outside, and a waste container shall be used for trash. The restroom door shall be self-closing.
- (5) The tattoo area shall be separated from customers and observers by a partition or wall.
- (6) All tables and chairs used in the tattoo area shall be of an easily cleanable material.
- (7) The establishment shall be properly heated and ventilated.
- (8) The establishment shall be rodent-proof and insect-protected. Outer openings shall have tight-fitting, self-closing doors.
- (9) In general, the entire premises of the tattoo establishment must be kept clean and in good condition at all times and during operating hours. The department of health and welfare shall be permitted access for inspection.

**SECTION 700.090. - Required.**

It shall be unlawful for any person to own or operate a tattoo establishment in the city without having first obtained a license in accordance with the procedures set forth in this division.

**SECTION 700.100. - Application.**

Any person desiring to operate a tattoo establishment shall make application for a license to the City Clerk, upon forms approved by the Clerk, containing not less than the following information:

- (1) The name of the applicant;
- (2) The residence of the applicant;
- (3) If a partnership, the names and resident addresses of each of the partners, whether general or limited, designating which;

- (4) If a corporation, the names and resident addresses of all of its officers, directors and shareholders, and the name of its resident agent for the purpose of service;
- (5) The location of the proposed establishment (the establishment must be located in a properly zoned business district, and may not be located in a residentially zoned area of any classification);
- (6) The proposed hours of operation;
- (7) The names of all employees and their exact duties;
- (8) A complete description of all tattoo services to be provided; and
- (9) An exact inventory of all equipment to be utilized, including names of manufacturers and serial numbers, if any, of the equipment.

**SECTION 700.200. - Issuance; fee; inspections.**

If the City Clerk shall determine, after investigation, that the proposed tattoo establishment can be feasibly operated in accordance with the provisions of this article, it shall issue a license to the applicant. The establishment shall be inspected not less than quarterly.

**SECTION 700.300. - Renewal; suspension or revocation.**

All licenses issued under this division shall be renewed annually. Their issuance is conditioned upon compliance with this article, and the license may be revoked or suspended for violation of this article.

**SECTION 700.400. - Transfer.**

Licenses issued under this division shall be nontransferable.

**SECTION 700.500. - Display; alternation.**

Licenses issued under this division shall be prominently displayed in the tattoo establishment and shall not be altered or defaced in any way.

**SECTION 700.600. - Display of regulations.**

Copies of this article shall be prominently displayed in any licensed tattoo establishment.

**SECTION 700.700. – Employment of Artists.**

It shall be unlawful for any person to act as a tattoo operator, or for any person to employ another person as a tattoo operator, unless such person has been licensed under this division.

**SECTION 700.800. - Application.**

Application for licensing as a tattoo operator shall be made to the City Clerk, on forms approved by it, containing the following information:

- (1) Name.
- (2) Age.
- (3) Sex.
- (4) Residence.
- (5) The place where the applicant will be working as a tattoo operator.
- (6) The person by whom the applicant will be employed.
- (7) Medical history of all communicable diseases.
- (8) Current state of health and physical disabilities.
- (9) Training and/or experience.

**SECTION 700.900. - Qualifications.**

Tattoo operator licenses may be issued by the Clerk, if it is determined that the applicant is free from communicable disease, has no physical disability or infirmity which could interfere with his acting as a tattoo operator, is 18 years old, and has at least six months' experience or training as a tattoo operator in a legally operated establishment in Missouri or another state.

**SECTION 700.1000. - Certification of freedom from communicable disease.**

Before any license may be issued under this division, the applicant must furnish to the Clerk a certificate from a physician that the applicant is free from communicable disease. A similar certificate must be provided once a year by all licensed tattoo operators. If such certificate is not obtained and filed in a timely fashion by any licensed operator, his license shall be suspended and revoked.

**SECTION 700.1100. - Compliance with article.**

Issuance of a tattoo operator's license shall be conditioned upon full compliance with this article.

**Chapter 800: FIREWORKS**

**ARTICLE X. GENERALLY**

**SECTION 800.010: DEFINITION**

For purposes of this Article, the term "*fireworks*" shall mean and include any combustible or explosive compositions or any substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation.

**SECTION 800.020: UNLAWFUL TO SELL -- EXCEPTIONS**

Except as hereinafter provided, it shall be unlawful for any person to store, sell or offer for sale fireworks of any type within the Village limits; provided however, notwithstanding any ordinance or fire code provisions to the contrary, sale of fireworks shall be permitted by local, nonprofit, religious or community service organizations, or by resident of the Village. To qualify as such a qualified seller, the applicant must provide evidence at a regularly scheduled monthly meeting in Wardsville or directly to the Village clerk.

**SECTION 800.030: PERIOD OF SALE LIMITED**

The period during which sale of fireworks is lawful by licensed fireworks vendors shall begin 14 days prior to July 4 and end 7 days following July 4 of each year.

**SECTION 800.040: STORAGE**

Fireworks shall not be kept for sale or stored in any location where paints, oils, varnishes, turpentine, gasoline or other flammable or combustible items are stored. If stored in a business where such items are located, they must be stored in a distinct and separate location and away from such items.

**SECTION 800.050: HANDLING FIREWORKS IN MANNER LIKELY TO CAUSE PROPERTY DAMAGE OR INJURY**

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

**SECTION 800.060: SIGNS REQUIRED**

Two signs, red in color and a minimum of two (2) feet by four (4) feet in size, with white lettering, bearing the words "No smoking allowed nor discharging fireworks within one hundred (100) feet of stand" shall be displayed. Six (6) temporary off-site signs, balloons, or animations

located on commercial or industrial zoned property are permitted. Signs are limited to those allowed as temporary signs under Wardsville Ordinance 151. Signs are permitted only during the period that the sale of fireworks is permitted, and they must be removed by July 18. Sign permits are not required for the above signs.

**SECTION 800.070: FIRE EQUIPMENT**

The Osage Fire Protection District shall, in accordance and consistent with the International Fire Code, establish rules and regulations governing the acquisition, placement and usage of fire equipment required to be furnished by the vendor. All such required equipment shall be kept at the site of sale at all times. Failure to comply with such standards shall be cause for immediate closing of the site by order of the Village Police and immediate revocation of the vendor's rights to operate hereunder.

**SECTION 800.080: STRUCTURE**

Structures, including tents, used for the sale of fireworks must be approved by the Osage Fire Protection District.

**SECTION 800.090: DISCHARGE LAWFUL -- WHEN**

The discharge, detonation or shooting of fireworks shall only be permitted between the hours of 9:00 A.M. and 11:00 P.M. on the first (1st) through seventh (7th) of July each year. The explosion of fireworks at any other times is unlawful, except by special permit of the Board of Trustees.

**SECTION 800.100: PENALTY**

Any person violating any provision of this Article shall be deemed guilty of a code violation, and upon conviction thereof, shall be subject to punishment by a fine of up to \$500.00 per violation.

**ARTICLE XI. PERMITS**

**SECTION 800.110: SALES -- PERMIT REQUIRED**

Organizations permitted to sell fireworks by this Ordinance shall procure and display permits as provided in this Article.

**SECTION 800.120: SALES -- APPLICATION -- FEE -- CONTENTS -- SCOPE -- DENIAL**

A. Any person making application for a permit for sale of fireworks shall file a written request with the Village Clerk not later than 30 days prior to the date such person begins the sale of fireworks. The application must be accompanied by a fee of one hundred dollars (\$100.00) per location. If the application is denied, all fees will be returned to the applicant. Such application also must be accompanied by a certificate of bond or insurance as set forth in Section 3 of this Article II.

B. All applications for sales permits shall contain the name and address of the person making application; and the name and address of firm, agency or organization for which the person is acting. Additionally, the application shall contain a detailed description as to the location of all sales sites; type of structures from which sales are to be made; and provisions for fire protection. The site location is limited to property which is zoned for commercial or industrial use; and the actual stand, tent or facility shall be at least one hundred (100) feet from any temporary or permanent building.

C. Each applicant must then appear before the Board of Trustees at a regular meeting, at which time the applicant must present for consideration by the Board of Trustees the location of the fireworks stand, tent size and related information as required by this Article. All permits issued and approved by the Board of Aldermen are personal to the applicant and nontransferable. The sale of fireworks or operation of a facility for the sale of fireworks by someone other than the license holder shall void the permit and cause forfeiture of the permit fee. No permit shall be issued until an authorized representative of the applicant shall have appeared at a meeting of the Board of Trustees and provided the information herein set forth, together with any other information requested by the Board.

D. The grant or denial of a fireworks permit shall be at the sole discretion of the Board of Trustees based upon the foregoing standards.

#### **SECTION 800.130: SALES -- CERTIFICATE OF BOND OR INSURANCE PREREQUISITE**

A certificate of bond or liability insurance in the amount of one hundred thousand dollars (\$100,000.00) with the Village listed as an additional named insured shall be required by the Village Clerk and shall be attached to the application for a sales permit prior to submission to the Board of Trustees for approval. Failure to provide such certificate will be automatic grounds for disapproval of the application.

#### **SECTION 800.140: SALES -- ISSUANCE OF PERMITS**

Sales permits will be issued upon approval by the Board of Trustees provided all requirements contained herein have been met. Any permits issued hereunder shall not be transferrable and shall expire at 11:00 P.M., July 18 of the year issued. The sale of fireworks or operation of a place of sale by any other party than the permittee shall void the permit.

### **Chapter 900: SNOW ROUTES**

#### **SECTION 1. Snow routes.**

A. Snow routes shall be streets or portions of streets designated by ordinance. These streets shall receive priority treatment during normal snow operations and/or during a snow emergency. These streets shall be readily identifiable by sign designation.

B. No person shall impede or interfere in any way with a snow plow or other snow removal vehicle or equipment during operation.

C. No person shall stop, stand, park, or abandon a vehicle in a manner which obstructs or impedes traffic on a snow route during a snow emergency. Any vehicle obstructing or impeding traffic in violation of this section, and any vehicle parked in violation hereof may be removed from the snow route to a service station, garage, or other place of safety, and shall be considered an abandoned motor vehicle.

#### SECTION 2. Snow routes to be emergency routes also.

Snow routes shall also serve as emergency routes and will receive priority service for clearing and opening during any disaster or general emergency.

#### SECTION 3. Snow emergencies.

A. Whenever the chief of police of Jefferson City, Missouri, through information gathered from the Department of Community Development, the Missouri Highway and Transportation Department, and through the U.S. Weather Service, or on the basis of falling snow or freezing rain, finds that it will be necessary that motor vehicle traffic be expedited and that parking on all or a portion of some city streets be prohibited, he shall have the power to declare a “snow emergency.”

B. Pursuant to the Code of the City of Jefferson, in the event the chief of police deems it necessary to declare a snow emergency, it shall be announced and broadcast publicly for a period of two (2) hours prior to enactment, if possible. Such announcement shall be in a form designated by the police department and distributed to all public news agencies for broadcast. No such emergency shall begin between the hours of 10:30 p.m. and 6:30 a.m., of any day. The time the snow emergency shall be in effect shall be designated by the chief of police and shall be contained in the declaration. Designation of a snow emergency in Jefferson City shall, without further action, constitute a snow emergency in Wardsville.

C. Whenever a snow emergency is declared, parking shall be prohibited on a portion of the snow routes designated by ordinance. The signing shall be a regular no parking sign with the addition of the words “Snow Emergency” or “Snow Route.” Parking in such areas shall be restricted only for the duration of the “snow emergency.”

#### SECTION 4. Enforcement.

Any police officer or Marshall of the Village who has the authority to issue tickets for parking violations shall have authority to issue tickets, citations, and summons for violations of this article.

#### SECTION 5. Minimum penalty and towing costs.

Any person who violates any provisions of this article shall be assessed a fine of at least twenty-five dollars (\$25.00) and shall be assessed the applicable costs of towing and storage, which shall be in addition to the regular court costs.

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**Chapter 1000: CURFEW**

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**Section 1.** It shall be unlawful for any person under the age of sixteen (16) to be present upon any public street, alley, or other public or quasi-public place in the Village of Wardsville between the hours of 11:00 p.m. and 5:00 a.m. unless:

a. Accompanied by a parent, guardian, employer or some other person of legal age having charge of the minor’s lawful care, custody and control;

b. Returning home by direct route from and within thirty (30) minutes after a school activity, an activity of religious or supervised voluntary association, such as scouts, 4H, community leagues, or other community events. Examples of community events shall include dances, community celebrations and carnivals;

c. Is in a place or returning home from such a place, connected with and required by some legitimate business, trade, profession or occupation in which the minor is permitted by law to be engaged.

**Section 2.** For the purpose of this ordinance, “quasi-public place” shall be defined as an area in private ownership which is established for the convenience of the public as a member, invited guest or business visitor and shall include, but not necessarily be limited to, parking lots, business establishments, shopping center areas, school and church grounds or arcade amusement centers.

**Section 3.** Any such person not subject to the jurisdiction of the juvenile court, and any parent, guardian or other adult having the care and custody of such person shall be guilty of a misdemeanor. For the first such offense, the court shall fine the defendant a minimum of \$50.00 and costs. Upon further convictions, defendant shall be subject to a fine not to exceed \$500.00 and costs, as well as referral to the Cole County Juvenile Court.

**Section 4.** Responsibility of parent, guardian, etc. – it shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of 17 years to knowingly permit such minor to violate any provision of this ordinance.